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W.P. No. 6806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6806 of 2023

G.Santhi

... Petitioner

-VS-

1. State of Tamilnadu
Rep. By its Principal Secretary to Government
Department of Higher Education
Secretariat, Chennai – 600 009.

2. The Commissioner
Government Data Centre
Amma Campus, Saidapet
Chennai – 600 035.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the First Respondent vide his Letter No.22750/H1/2021-2 dated 06.05.2022 and quash the same and consequently direct the First Respondent to transfer the Petitioner from Government Data Centre, Amma Campus, Saidapet, Chennai to any of the Government Department in and around the Chidambaram, Cuddalore District, as Office Assistant, on humanitarian grounds, within the time limit to be stipulated by the Court.



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For Petitioner : Mr. N.P.Siva Chakravarthi
For Respondents : Mr. B.Vijay (R1 & R2)
Additional Government Pleader

ORDER

Heard Mr. N.P.Siva Chakravarthi, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was working in Annamalai University, had been absorbed in the Government Data Centre of the Government of Tamil Nadu at Chennai, after the said University was taken over by the Government of Tamil Nadu.

3. The Petitioner has made a representation dated 22.01.2021 for posting her at Chidambaram, Cuddalore District in any Government office. The First Respondent by proceedings in Letter No. 22750/H1/2021-2 dated 06.05.2022 passed the following order :-

“ *I am directed to invite attention to the reference cited. In*



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the W.P. No. 23447 of 2021, filed by you, the Hon'ble High Court of Madras passed final orders on 01.11.2021 and disposed the Writ Petition with the following direction:

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This Writ Petition is being disposed at the time of admission considering the fact that the Petitioner's representation dated 22.09.2021 has not been evoked any response from the respondents. It is noticed that this Court has already passed order under similar circumstances in W.P. Nos. 24317, 24320, 24322, 24324, 34326 and 24328 of 2019 dated 27.08.2019.

Considering the same, this Writ Petition is disposed by directing the Respondents to consider the representation of the Petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order in accordance with law and on merits in the light of the order passed by this Court cited above. No costs.

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2. *In this connection, I am directed to state that in your*

petition dated 22.09.2021 you have requested transfer to any Government Office in Cuddalore District or in and around, as Office Assistant considering your family circumstances.

3. *Therefore, the Commissioner, Government Data Centre, Chennai was requested to explore the possibility of accommodating you in any of the offices under their control in Chidambaram or Cuddalore. But he has informed that the Government Data Centre is functioning as one unit office in Chennai only and there are no other Subordinate offices to that Department.*

4. *The Government have examined your request carefully. Accordingly, I am to inform that your request for transfer could not be considered due to administrative reasons.”*

The said order is challenged in the Writ Petition.

4. In response to the said contention of the Petitioner that the Petitioner may be accommodated in any other Government Department, if there is no office of



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the Government Data Centre at Chidambaram or Cuddalore, it has been stated

at Paras 8 and 9 of the memo dated 20.04.2023 filed by the First Respondent,

as follows:-

“8. It is further submitted that based on the decision taken the surplus staff of Annamalai University have been redeployed to various Secretariat /Government Departments, Government Colleges and Undertakings through various G.O.s in order to reduce the financial burden of the University. Several requests are being received by the Government requesting transfer from one place to another and from one department to another. Among such requests, only genuine requests from either differently able persons or care takers of differently able persons are only considered, that too only when there is possibility of accommodating them at the place of their request.

9. In the present case, the Petitioner has been redeployed to the Government Data Centre for which no other offices exist elsewhere in the State and hence her request could not be fulfilled.”



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In view of the aforesaid explanation of the Respondent, which deserves acceptance, it is not possible to entertain this Writ Petition.

In fine, the Writ Petition is dismissed. No costs.

21.04.2023

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Index: Yes/No

Neutral Citation : Yes/No

Note: Issue order copy by 27.06.2023.

To

1. The Principal Secretary to
Government of Tamilnadu
Department of Higher Education
Secretariat, Chennai – 600 009.
2. The Commissioner
Government Data Centre
Amma Campus, Saidapet
Chennai – 600 035.



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P.D. AUDIKESAVALU, J.

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