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W.P. No. 9555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

W.P. No. 9555 of 2023

Ms. J.Sarita Kumari

... Petitioner

-VS-

1. The Director General, NIWE,
Velacherry – Tambaram Road,
Pallikarani, Chennai – 600 100.
2. The JS & CAO,
Ministry of Defence,
Defence Office Complex,
Africa Avenue,
New Delhi – 110 023.
3. The Secretary,
Union of India,
Ministry of MNRE,
Block 14, CGO Complex,
Lodhi Road, New Delhi – 110 003.
4. The Secretary,
Union of India,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training,
North Block, New Delhi.

... Respondents



W.P. No. 9555 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to consider and pass necessary orders upon the transfer representation dated 19.12.2022 forwarded through the First Respondent and directly sent advance copy by post on 22.12.2022 which was acknowledged on 16.01.2021 in No. DARPG/P/2023/0000093.

For Petitioner : Mr. M.L.Ramesh

For Respondents : Mr. R.K.Gandhi,
Central Government Standing Counsel

ORDER

Heard Mr. M.L.Ramesh, Learned Counsel for the Petitioner and Mr. R.K.Gandhi, Learned Central Government Standing Counsel takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner, who is in the services of the Ministry of Defence of the Government of India, is that she had made a representation dated 19.12.2022 to the Second Respondent for transferring her to any of the Defence establishments in Chennai or the Southern states, but as it did not evoke any response, she has filed this Writ Petition.



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3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 19.12.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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WEB COPY In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

29.03.2023

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 05.06.2023.

To

1. The Director General, NIWE,
Velacherry – Tambaram Road,
Pallikarani, Chennai – 600 100.
2. The JS & CAO,
Ministry of Defence,
Defence Office Complex,
Africa Avenue, New Delhi – 110 023.
3. The Secretary,
Union of India,
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Department of Personnel and Training,
North Block, New Delhi.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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