



W.P.No.8882 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8882 of 2020

and

W.M.P.Nos.10795 and 10796 of 2020

T.Sandhiya

Petitioner

Vs.

1. The Director,
Tamil Nadu Fire and Rescue Services,
Rukmani Lakshmipathy Salai,
Egmore, Chennai – 600 008.
2. The Deputy Director,
Tamil Nadu Fire and Rescue Service,
North Western Region,
Infantry Road,
Vellore – 632 001.

Respondents

Writ Petition filed under Article 226 of Constitution of India,



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praying for issuance of a Writ of Certiorari, calling for entire records connected with the impugned order passed by the first respondent in Mu.Mu.No.5634/E3/2020, dated 27.05.2020 served on the petitioner on 04.06.2020, transferring the petitioner from the office of the second respondent to State Training Centre, Tambaram, Chennai.

For petitioner : Mr.S.N.Ravichandran

For respondents : Mr.D.Gopal

Government Advocate

ORDER

The case of the petitioner is that she had competed and succeeded in the examination conducted by the Tamil Nadu Public Service Commission in the year 2011, under the category “Persons with Disability” [PwD]. The petitioner was appointed as Steno Typist by the first respondent *vide* an order dated 30.08.2013 and subsequently, she joined duty on 11.09.2013. At the work place, she was physically harassed by one P.Srinivasan, Superintendent and at one point of time, as the persecution went beyond limits, she represented the issue to the first and the second respondents through a letter



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and a copy was also marked to the District Collector, Vellore.

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2. Based on the complaint, an enquiry was conducted and no charges were levelled against the said P.Srinivasan, Superintendent and he further threatened the petitioner for accusing him. The petitioner, once again, sent a complaint to the District Collector, following which, an enquiry was made by the District Social Welfare Officer and P.Srinivasan, Superintendent was transferred to the second respondent's office.

3. The learned counsel appearing for the petitioner submitted that the petitioner, being a physically handicapped, could not attend office during the lockdown period and was issued with memos by the second respondent for negligence in duty. She submitted her explanation against the charges framed which was not considered, following which, a punishment of *Stoppage of increment cut for a period of two years without cumulative effect* under Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules was imposed by the second respondent *vide* proceeding dated 29.05.2020. Meanwhile by an order dated 27.05.2020, she was transferred



to Tambaram State Training Centre, challenging the same this writ petition has been filed before this Court.

4. The learned counsel appearing for the petitioner further submitted that, on 06.07.2020, an interim order was passed in W.M.P.Nos.10795 and 10796 of 2020 in W.P.No.8882 of 2020, staying the impugned order of transfer.

5. The learned counsel appearing for the respondents filed a counter affidavit dated 12.08.2020 and the relevant paragraph of the same are extracted below:

*"12. It is humbly submitted that with a view to implement the interim orders of this Hon'ble Court dated 06.07.2020 in W.M.P.Nos.10795 and 10796 of 2020 in W.P.No.8882 of 2020, the first respondent vide his proceedings Rc.No.8317/C3/2020, dated 31.07.2020, **cancelled the transfer order issued to the petitioner in proceedings K.Dis.No.5634/C3/2020, dated 27.05.2020.** It is submitted that as stated in supra, the petitioner was transferred to the O/o. the State Training Centre, Tambaram is only based on the adverse remarks and moreover she has already completed 6 years and 8 months in her native place of Vellore and in the same office. Further it is submitted that apart from the steno-typist vacancy in the office of the second respondent no other sanctioned post of Steno-Typist is in the North-Western Region, Vellore and hence by considering the petitioner physical disability alone*



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she has been transferred to the O/o. the State Training Centre, Tambaram, where there are two other vacancies available in the O/o. the Joint Director, Western Region, Trichy. In the above circumstances the transfer of the petitioner from the second respondent's office to the O/o. the State Training Centre, Tambaram, is an unavoidable one."

6. In the above counter affidavit it is categorically stated that the order of transfer issued to the petitioner was cancelled by the first respondent *vide* proceeding K.Dis No.5634/C3/2020 dated 31.07.2020.

In view of the above statements made in the counter affidavit and the submissions, nothing survives for adjudication in this writ petition and accordingly this writ petition stands closed. No costs.

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vca

Index : Yes/No

Speaking Order : Yes/No

To:

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