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W.P.No.22751 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.22751 of 2021

and

W.M.P.Nos.23972 & 23973 of 2021

T.Kamarasu
aged 59 years
Formerly Director
Tamil Etymological Dictionary Project
Residing at
5/23, Pajaratna Flats
Welcome Colony
East Main Road, Thirumangalam
Anna Nagar West Extension
Chennai 600 101

... Petitioner

/Vs/

1.The State of Tamil Nadu
Rep. by the Secretary to the Government
Department of Tamil Development and Information
Fort St. George, Chennai 600 009

2.Director, Directorate of Tamil Development
Tamil Valarchi Valagam 1st Floor
Halls Road, Egmore, Chennai 600 008

3.G.Vijayaraghavan
Director, Directorate of Tamil Etymological Dictionary Project
Urban Administrative Building
No.75, First Floor, Santhome High Road
M.R.C.Nagar, Chennai 600 028

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in connection with the order passed by the 1st Respondent in G.O(Va).No.244 dated 21.08.2021 of the Department of Tamil Development and Information and quash the same and direct the 1st Respondent to restore the Petitioner to the post of Director, in the Directorate of Tamil Etymological Dictionary Project, Chennai.

For Petitioner : Mr.P.Ulaganathan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance Writ of Certiorarified Mandamus to call for the records in connection with the order passed by the 1st Respondent in G.O(Va).No.244 dated 21.08.2021 of the Department of Tamil Development and Information and quash the same and direct the 1st Respondent to restore the Petitioner to the post of Director, in the Directorate of Tamil Etymological Dictionary Project, Chennai.

2.Heard Mr.P.Ulaganathan, learned counsel for the Petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the Respondents.



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3.Mr.P.Ulaganathan, learned counsel for the Petitioner submitted that the Petitioner has been posted as Director of Etymological Dictionary Project, Chennai vide order dated 23.05.2018, thereafter on 21.08.2021 the Petitioner was transferred as Deputy Director of Tamil Development Department, Tirupur district. One Dr.G.Vijayaraghavan has been posted in the place of the Petitioner as Director of Tamil Etymological Dictionary Project (செந்தமிழ் சொற்பிறப்பியல் அகரமுதலித் திட்டம்). In pursuant to the transfer order the Petitioner has been relieved and Dr.G.Vijayaraghavan has been joined as Director of Tamil Etymological Dictionary Project. The Petitioner did not join the new post assigned to him through the impugned transfer order dated 21.08.2021, instead he had submitted a letter to retire from service under voluntary retirement scheme on 24.12.2021. The same was accepted and the Petitioner was allowed to retire through G.O.(Ms).No.33, Tamil Development and Information Department dated 23.03.2022.

4.Mr.P.Ulaganathan, learned counsel for the Petitioner further submitted that the Petitioner has been functioning as Director of Etymological Dictionary Project and he should have been allowed to retire as Director and not as Deputy Director in some other division. According to the Petitioner the Directorate of



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Etymological Dictionary Project is functioning as an independent head of Department and its administrative control will be under the Educational Department. The object of creating the post is to bring out a etymological dictionary in Tamil. In this regard a Government Order has also been issued in G.O.Ms.No.684, Education Department, dated 30.04.1974. According to the Petitioner he ought not to have been transferred to any other Directorate and that too in a lower cadre. So he opted retirement under voluntary retirement scheme, without joining the post to which he got transferred.

5.The directorate of etymological department comes under the control of Education Department. All directorates which involve in Tamil language development come under Tamil Development Directorate. Even though the Petitioner was posted as Director of Etymological Dictionary Project, Chennai, his actual position was only Deputy Director. The Petitioner was working as an Assistant Director was promoted to Deputy Director on 23.05.2018. However, assigned to do the work of Director of Etymological Dictionary Project and posted as Director for the said project. But, he was given with the pay scale of Deputy Director only. In fact the posting order itself stipulates that the Petitioner will be paid with the pay scale of Deputy Director only. Subsequently, the Government thought it fit to post some other



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person who has Doctorate in Tamil as Director of Etymological Dictionary Project. The Petitioner knows very well even at the time of his appointment that his actual position is only Deputy Director and he was assigned to hold the position of Director.

6.The Petitioner being a government servant cannot claim any lien over a particular seat, in which he had done something passionately. When the Government intends to transfer a person to some other seat, he has to obey the orders and assume his duties accordingly. Immediately after issuing the transfer order, the Petitioner got relieved and Dr.G.Vijayaraghavan assumed charge. So the post of Director of Etymological Dictionary Project did not remain vacant, at the time when the Petitioner opted for retirement under the voluntary retirement scheme. Eventhough the Petitioner has not chosen to join in his new place, the fact remains that he is no more the Director of Etymological Dictionary Project, as he had already been relieved from the said post.

7.While issuing the transfer order, the Government need not get its employees' consent. If the transfer is a punishment transfer, then there are reasons that the employee would have some grievances. But the person, who



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had been holding the post for some time, if shifted on administrative grounds that cannot be questioned. The Petitioner found the transfer was inconvenient to him and he politely opted for retirement under voluntary retirement scheme and that has been accepted by the Government also.

8.In such circumstances, there is no reason to set aside the impugned order passed by the 1st Respondent in G.O(Va).No.244 dated 21.08.2021 of the Department of Tamil Development and Information and to pass any further orders.

9.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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State of Tamil Nadu
Department of Tamil Development and Information
Fort St. George, Chennai 600 009

2.Director, Directorate of Tamil Development
Tamil Valarchi Valagam 1st Floor
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R.N.MANJULA, J.

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