



WEB COPY



W.P.No. 17668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17668 of 2024

and

W.M.P.No. 19447 of 2024

S.Sivanandam

....

Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Handlooms,
O/o. The Commissionerate of Handlooms,
Kuralagam, 2nd Floor,
Chennai – 600 108.

3.The Commissioner of Textiles,
O/o. The Commissionerate of Textiles,
No.34, Cathedral Garden Road,
Nungambakkam,
Chennai – 600 034.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Letter No.668/E2/2024-1 dated 11.06.2024, quash the same and consequently remand back to the first respondent to pass orders after getting opinion



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from the second and third respondents.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 11.06.2024, thereby rejected the request made by the petitioner seeking transfer/re-deploy the petitioner as Handloom Inspector in the parent department at second respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Textile Inspector in the third respondent office. Initially he was served as Havildar in Indian Army and resigned his service. Later he was selected and appointed as Handloom Inspector by direct recruitment through Tamil Nadu Public Service Commission on 12.11.2015. Thereafter, he was promoted to the post of Handloom Officer on 26.06.2021. While being so, the Commissionerate of Handlooms and Textiles were bifurcated into two separate Departments viz., Commissionerate of Handlooms and Commissionerate



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of Textiles by G.O.Ms.No.112 Handloom, Handicrafts, Textiles and Khadi Department, dated 22.10.2021. Accordingly, 15 posts of Handloom Officers and 27 posts of Handloom Inspectors were deployed to the newly created Textile Department as Textile Officer and Textile Inspector. The willingness were called for from the employees and based on their willingness, they were deployed to newly created Department of Textiles as Textile Officers by G.O.Ms.No.22, Handlooms, Handicrafts, Textiles and Khadi Department, dated 02.03.2022. Though the petitioner did not give any willingness, who is being the junior most Handloom Officer, he was deployed to Textile Department as Textile Officer. Accordingly, the petitioner joined in the third respondent office on 31.01.2023.

4. Now as per the order passed by the Hon'ble Supreme Court of India, seniority list has been revised as per their merit list. Accordingly, the seniority list was re-arranged and the petitioner's seniority list was revised as Sl.No.102 from Sl.No.143. Therefore, the petitioner was de-promoted to the post of Textile Officer into Textile Inspector by the proceedings of the second respondent dated 27.12.2023. Because of re-fixation of seniority of the petitioner, he became senior and



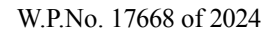
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more number of juniors stands below to the petitioner. Therefore, the petitioner submitted a representation to deploy to his parent department.

However, it was rejected by the order impugned in this writ petition.

5. The learned counsel appearing for the petitioner would submit that the reasons assigned by the first respondent is not in accordance with law. The first respondent stated that all postings and transfers are made by the appointing Authority as per Section 48 of the Tamil Nadu Government Servants (Condition of Service) Act 2016. The first respondent is the Authority for two departments who is controlling over the same.

6. As per the provisions of Section 48 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, all postings and transfers shall be made by the appointing Authority. Provided that where the appointing Authority is not the Government, any authority to whom the appointing authority is administratively subordinate shall, in respect of any post within the jurisdiction of the appointing Authority also be competent to effect postings and transfers to a post within their jurisdiction as aforesaid. Therefore, the first respondent has no



8. In the result, this writ petition stands allowed. Consequently connected miscellaneous petition is closed. No costs.

Internet : Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.



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To
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