



W.P.No. 19326 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 19326 of 2024

and

W.M.P.Nos. 21189 & 21190 of 2024

R.K.Shobana

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Petitioner

Vs

1. The Director of Public Health
and Preventive Medicine,
No.359 Anna Salai, Teynampet,
DMS Campus,
Chennai – 600 006.

2. The Commissioner of Food Safety
and Drug Administration,
No.359, Anna Salai, Teynampet,
DMS Campus,
Chennai – 600 006.

3. The Food Analyst, Food Analysis Laboratory,
219, Race Course Road, DD.HS Campus,
Coimbatore – 641 018.

4. The Chief Analyst,
Food Analysis Laboratory,
Guindy.

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Respondents



W.P.No. 19326 of 2024

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 relating to the order passed by the second respondent made in Order dated 01.07.2024 in R.No.9196/2023/S10/FSD and quash the same and consequent quash the impugned transfer order of the second respondent, permit and direct the second respondent to allow the petitioner to continue from the current place of work in the same office.

For Petitioner : M/s.Haritha

For Respondents : Mr. M.Brindan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 01.07.2024, thereby transferred the petitioner from Coimbatore to Chennai.

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

3. The petitioner is working as a Superintendent in Food Analysis Laboratory, Coimbatore. She has son and her husband is working as Senior Reporter in Dhinamalar. Her son, viz., Harish, who is



W.P.No. 19326 of 2024

aged about 25 years, is suffering 90% severe autism and was mentally retarded person. The Government of Tamil Nadu, Department of Rehabilitation of the Disabled, had issued National Identity Card and Pass Book with Disability Certificate with 90% severe mentally and physically disabled autism person. Therefore, the petitioner is the care taker for her son, who is suffering from autism and was mentally retarded person. Therefore, the petitioner submitted a representation and the same was duly accepted by the first respondent that her request for exemption of compulsory transfer is accepted. While being so, without considering the same, the second respondent transferred the petitioner from Coimbatore to Chennai by an order dated 01.07.2024 and the same was served to the petitioner on 03.07.2024.

4. The Government passed an order in G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 03.09.2020, thereby ordered that the Government employee who is a care taker of dependent daughter/son/parents/spouse/brother/sister with specified disability as certified by the certifying authority as a person with Benchmark disability as defined under Section 2(r) of the Rights of the Person with Disability Act, 2016 may be exempted from routine exercise



W.P.No. 19326 of 2024

of transfer/rotational transfer subject to the administrative constraints.

The word disabled includes (i) blindness or low vision (ii) hearing impairment (iii) locomotor disability or cerebral palsy (iv) leprosy cured (v) mental retardation (vi) mental illness (vii) multiple disabilities and (viii) autism.

5. Without considering the above, the second respondent mechanically transferred the petitioner from Coimbatore to Chennai. That apart, the petitioner is now aged about 57 years and about to retire from service within a short period. Therefore, the order of transfer cannot be sustained and it is liable to be quashed.

6. Accordingly, the order of transfer passed by the second respondent dated 01.07.2024, is hereby quashed and the writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

11.07.2024

Internet : Yes/No

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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W.P.No. 19326 of 2024

To

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G.K.ILANTHIRAIYAN, J.

Lpp

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