



W.P.No.27163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27163 of 2024

M.Periyasamy,
Scavenger,
Government Tribal Residential High School,
Pagudupattu, Pethanayakkanpalayam Taluk,
Salem District.

.. Petitioner

Vs.

- 1.The State rep. by,
The Secretary to Government,
Adidravidar & Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Director,
Adidravidar Welfare department,
Ezhilagam Building,
Chennai – 600 005.
- 3.The Director,
Tribal Welfare Department,
Ezhilagam, Chennai – 600 005.
- 4.The District Collector,
Salem District, Salem – 600 001.
- 5.The District Adidravidar Welfare Officer,
Adidravidar Welfare Office,
Salem District, Salem.
- 6.The Project Officer,



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District Tribal Welfare Office,
Salem District, Salem.

7.The Headmaster,
GTR Higher Secondary School,
Pagudupattu – 636 138,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to give departmental transfer to the petitioner from Government Tribal Residential High School, Pagudupattu, Pethanayakkanpalayam Taluk, Salem District to Adidraavidar Welfare Department based on the petitioner's representation dated 01.09.2023.

For petitioner : Mr.S.Deepan
for Ms.S.Vinodha

For RR 1 to 6 : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 01.09.2023, wherein the petitioner has sought for transfer from the present station, which is a hill area to Salem.



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2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 6.

3.The case of the petitioner is that he was appointed as a Full Time Scavenger in the year 2012 in the Government Tribal Residential School at Pethanaickenpalayam Taluk, Salem District. He completed his probation and continued in service. During the year 2022, the petitioner suffered a massive heart attack. An open heart surgery was also performed and the petitioner was under complete bed rest for nearly a period of six months.

4.The further case of the petitioner is that the Doctors advised the petitioner to avoid working in a hill area and also to avoid traveling. The petitioner seems to be traveling nearly 120 kms daily between his native place and the work place. It is under these circumstances, the petitioner made a representation and sought for his transfer from the hill area considering his health condition. Since, the same did not evoke any response, the present writ petition has been filed before this Court.

5.The learned Special Government Pleader appearing for



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respondents 1 to 6 submitted that the request made by the petitioner for transfer was considered by the respondents 5 & 6. However, they cannot pass orders without getting the No Objection Certificate from the respondents 2 & 3 and that the proposal is now pending on the file of the respondents 2 & 3. The learned Special Government Pleader submitted that immediately on the receipt of the No Objection Certificate from the respondents 2 & 3, appropriate orders will be passed on the request made by the petitioner.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned Special Government Pleader, there shall be a direction to the respondents 2 & 3 to deal with the proposal submitted by the respondents 5 & 6 regarding the No Objection Certificate to transfer the petitioner from hill area and appropriate orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents 5 & 6 shall pass consequential orders within a period of four (4) weeks thereafter.

7.In the result, this Writ Petition is disposed of with the above directions. No costs.



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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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- 4.The District Collector,
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- 5.The District Adidraavidar Welfare Officer,
Adidraavidar Welfare Office, Salem District, Salem.
- 6.The Project Officer,
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N.ANAND VENKATESH, J.

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