



W.P.NO.8190 OF 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.8190 OF 2025

AND

WMP NOS.9171 AND 9174 OF 2025

S.Sundaramoorthy
S/o.Sundaragurusamy
Headmaster
Government Tribal Residential
Primary School
Periyanagoor, Gangavalli Taluk,
Salem District.

... Petitioner

VS.

1.The Commissioner
Directorate of Tribal Welfare
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Tribal Project Officer
Collectorate Campus,
Salem District,
Salem.

3.The Special Tahsildar (ADW)
Attur Taluk,
Salem District.

... Respondents



W.P.NO.8190 OF 2025

WEB COPY

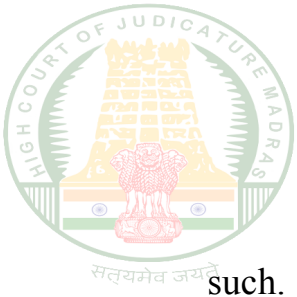
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, to call for the records relating to the impugned order issued by the 2nd respondent in Na.Ka.No.2467/2024/Thi.A dated 23.12.2024 and the consequential impugned transfer order issued by the 2nd respondent in Na.Ka.No.2467/2024/Thi.A dated 31.12.2024 and to quash the same.

For Petitioner : Mr.J.Jayamalan
For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorari, seeking records relating to an order of the second respondent, District Tribal Project Officer, Salem, dated 23.12.2024 and the consequential transfer order issued by the same second respondent on 31.12.2024 and to quash both orders.

2.The petitioner had been initially appointed as a Secondary Grade Assistant in the Adi Dravidar and Tribal Welfare Department. He was posted to various schools in Salem District and promoted as Headmaster, being posted in GTR Primary School, Periyanaagoor, on 16.12.2022. At the time of filing the writ petition, he was functioning as

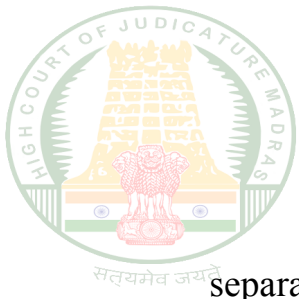


W.P.NO.8190 OF 2025

WEB COPY

such. He was issued a show cause notice on 18.11.2024, raising various charges under Rule 17(a) of the Tamil Nadu Civil Services (D&A) Rules. It is claimed by the petitioner that he had given a reply on 09.12.2024, disputing and contesting the allegations. However, the impugned order came to be passed, holding that the petitioner had not replied to the allegations and therefore, a punishment was imposed on 23.12.2024, which order is also impugned in the present writ petition.

3.In the order dated 23.12.2024, the second respondent had stated in Tamil that the increment of the petitioner would be stopped for a period of one year without cumulative effect. However, in the English translation, the same had been given as stoppage of increment for three years without cumulative effect. Apart from imposing this punishment, for which clarification is required, the petitioner had also been subjected to a transfer order, which is also impugned in the writ petition. The transfer was stated to be independent and on administrative grounds. However, if it was a consequence of a punishment order, then there must be clarity regarding the nature of the punishment imposed and reasons must be given as to why a public servant should be subjected to two



W.P.NO.8190 OF 2025

WEB COPY

separate punishments—one being stoppage of increment and the other being transfer. Either one could be resorted to and the transfer, if required, could be effected at the end of the academic year. However, though this Court remits the matter back to the second respondent for fresh consideration, it is also evident from the rules that the petitioner has a right to appeal. Therefore, the transfer order dated 31.12.2024 shall be kept on hold.

4.The petitioner may also file an appeal before the Appellate Authority and if it is so filed on or before 28.03.2025, the respondents may not hold the issue of limitation against the petitioner. While raising grounds in the appeal, the writ petitioner may also argue that he had replied to the charges and therefore, the conclusion that he had not replied may not be correct. He may also seek a proper opportunity during the enquiry process. The Appellate Authority may take a considered decision on the appeal if filed by the petitioner on or before 28.03.2025. The transfer order dated 31.12.2024 shall remain in abeyance until the Appellate Authority passes its order.



W.P.NO.8190 OF 2025

WEB COPY

5.The Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

11.03.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

- 1.The Commissioner
Directorate of Tribal Welfare
Ezhilagam, Chepauk,
Chennai – 600 005.
- 2.The District Tribal Project Officer
Collectorate Campus,
Salem District,
Salem.
- 3.The Special Tahsildar (ADW)
Attur Taluk,
Salem District.



WEB COPY



W.P.NO.8190 OF 2025

C.V.KARTHIKEYAN, J.

TK

W.P.NO.8190 OF 2025

11.03.2025