



W.P.No.218 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.218 of 2025
and
W.M.P.No.238 of 2025

M. Gnanam

...Petitioner

Vs

1. The Secretary to Government,
Social Welfare and Women Empowerment Department,
Fort St. George, Chennai – 600 009.

2. The Commissioner/Director of Social Welfare,
Social Welfare and Nutritious Meal Programme Branch,
Lady Willington, Women's College compound,
Kamarajar Salai, Chennai – 600 009.

3. The District Collector,
The District Collector's Office,
Nutritious Meal Programme Section,
Tirupur, Tirupur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1365/2023/A1 dated 15.07.2024 on the file of the 3rd respondent and quash the same as illegal and consequently directing the 1st and 2nd respondents to regularize the petitioner's post from ousting system to the post of the Junior Assistant,



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the Assistant or the Typist in the District Collector's Office, Nutritious Meal Programme Section, Tiruppur District, based upon petitioner's seniority appointed in Na.Ka.No.14/2011/A1 dated 05.07.2011 by the 2nd respondent proceedings in Na.Ka.No.27041/80/NP-MDMS dated 24.03.2009 and pass orders.

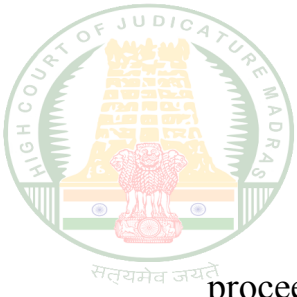
For Petitioner : Mr. B. Sargunam

For Respondent : Mr. Stalin Abhimanyu
Additional Government Pleader

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1365/2023/A1 dated 15.07.2024 on the file of the 3rd respondent and quash the same as illegal and consequently directing the 1st and 2nd respondents to regularize the petitioner's post from ousting system to the post of the Junior Assistant, the Assistant or the Typist in the District Collector's Office, Nutritious Meal Programme Section, Tiruppur District, based upon petitioner's seniority appointed in Na.Ka.No.14/2011/A1 dated 05.07.2011 by the 2nd respondent



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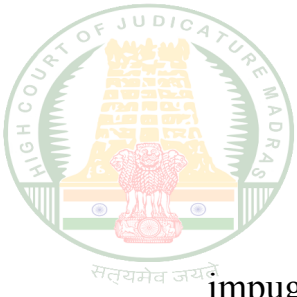
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proceedings in Na.Ka.No.27041/80/NP-MDMS dated 24.03.2009 and pass orders.

3.The facts of the case is that the petitioner is working as Data Entry Operator in the 3rd respondent/ Department. The sum and substance of the case is that the third respondent has passed the impugned order wherein a recommendation was made to transfer the petitioner to the post of Assistant with computer knowledge in Udumalapettai, Tiruppur District. The reason stated for the transfer is that the petitioner has taken leave and she is travelling about 60 kms to reach the work place and one Ramachandran has made a request for transfer to Udumalapettai, Tiruppur. Aggrieved over the same the petitioner has come up with this petition.

4.The learned counsel for the petitioner submitted that if the transfer was made as per the impugned order the petitioner will be de-promoted from the pay scale of Rs.15,000/- to Rs.12,000/-. He further submitted that the petitioner is working for more than 13 years and her services was not recognized. Hence, prays to allow this petition.

5. The learned Additional Government Pleader submitted that the



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impugned order is nothing but a recommendation made for transfer and they have not passed any adverse orders against the petitioner till date. He further submitted that the petitioner is travelling more than 60 kms to reach the work place and she has taken more leave due to illness. Hence, there was a delay in execution of work, due to which the impugned order was passed. Hence, prays to dismiss this petition.

6. Heard both sides and perused the materials available on record.

7. In view of the above facts it is made clear that the impugned order is only a recommendation made to transfer and it is a policy decision of the Government. Furthermore, the respondents have not yet passed any adverse orders against the petitioner. Hence the impugned order cannot be challenged at this juncture.

8. Considering the facts of the case it is made clear that the contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court. Hence, this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently



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the connected miscellaneous petition is closed. However, the petitioner is at liberty to approach the concerned authorities to ventilate her grievance.

08.01.2025

Index: Yes/No
Speaking order/Non-speaking order
smn

To.

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V.BHAVANI SUBBAROYAN,J.

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