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W.P.No.145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.145 of 2024
and W.M.P.Nos.159 and 160 of 2024**

- 1.N.Viswanathan
- 2.J.Ezhilmaran
- 3.N.Meganathan
- 4.S.Maladevi
- 5.P.K.Arul Prakasam
- 6.M.Kumar
- 7.B.C.Kamalakaran
- 8.D.Radhakrishnan
- 9.V.Muralidharan
- 10.T.Malarvizhi
- 11.K.Saravanakumar
- 12.K.Velmurugan
- 13.S.Ravichandran
- 14.N.Suresh Kumar
- 15.M.Ganesan
- 16.K.Ganesan
- 17.G.Murugesan
- 18.G.Velmurugan
- 19.B.Bushpalatha
- 20.P.Murugeswari
- 21.P.Srinivasan

... Petitioners

Vs.



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1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

2.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai-600 005.

3.The Managing Director,
Tamil Nadu Adi Dravidar Housing Development Corporation,
No.31, Cenotaph Road, 2nd Lane,
Teynampet,
Chennai-600 018.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Letter No.05/ADW.1/2022-8, Adi Dravidar and Tribal Welfare Department, dated 25.09.2023 and the consequential order passed by the second respondent in Na.Ka.No.E4/35470/2021 dated 03.10.2023 and quash the same and consequently, to direct the respondents 1 and 2 to permit the petitioners to continue under the respective District Adi Dravidar Welfare Officers without deployment or deputation to TAHDCO, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader



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ORDER

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This Writ Petition has been filed challenging the impugned order passed by the first respondent in Letter No.05/ADW.1/2022-8, Adi Dravidar and Tribal Welfare Department, dated 25.09.2023 and the consequential order passed by the second respondent in Na.Ka.No.E4/35470/2021 dated 03.10.2023 and for a consequential direction to the respondents 1 and 2 to permit the petitioners to continue under the respective District Adi Dravidar Welfare Officers without deployment or deputation to TAHDCO.

2. The petitioners were initially appointed as Overseers and were subsequently promoted as Junior Engineers in Adi Dravidar and Tribal Welfare Department. However, they were suddenly re-deployed for a period of one year to TAHDCO on re-deployment basis vide impugned proceedings in Letter No.05/ADW.1/2022-8, dated 25.09.2023. Challenging the said proceedings, the present writ petition has been filed and for a consequential direction to continue under the respective District Adi Dravidar Welfare Officers without deployment or deputation to TAHDCO.



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3. The issue raised in this writ petition is covered by the judgment of the Hon'ble Division Bench of this Court in W.P.No.7278 of 2014 where similar facts were involved wherein the petitioners therein who were working as Social Security Assistants in the Employees Provident Fund were transferred to Zonal Training Institute, South Zone, Chennai. The said proceedings were challenged before this Court. The Hon'ble Division Bench of this Court, considering the fact that the consent of the petitioners have not been obtained for deputing them to the other Associations, held that the deputation on transfer is in violation of the proceedings of the fifth respondent therein. The Hon'ble Division Bench of this Court held as follows:-

“12. The Hon'ble Supreme Court in the decision reported in State of Punjab and others v. Inder Singh & Others [(1997) 8 SCC 372] in para 18 held thus:

8. The concept of deputation is well understood in service law and has a recognized meaning. Deputation has a different connotation in service law and the dictionary meaning of the word deputation is of no help. In simple words deputation means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation the employee has to come back to his parent department to occupy the same position unless in the



meanwhile he has earned promotion in his parent department as per the Recruitment Rules. Whether the transfer is outside the normal field of deployment or not is decided by the authority who controls the service or post from which the employee is transferred. There can be no deputation without the consent of the person so deputed and he would, therefore, know his rights and privileges in the deputation post.... (emphasis supplied). The said position is reiterated in Umapati Choudhary v. State of Bihar and Another [(1999) 4 SCC 659] and in para 8, the Supreme Court held thus:

8..... The necessity for sending on deputation arises in public interest to meet the exigencies of public service. The concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer. It also involves the consent of the employee to go on deputation or not.... (emphasis supplied). In a subsequent decision of the Hon'ble Supreme Court in Prasar Bharati and Others v. Amarjeet Singh and Others [(2007) 9 SCC 539], the distinction between transfer and deputation is spelt out in para 13, which reads as follows:

3. There exists a distinction between transfer and deputation. Deputation connotes service outside the cadre or outside the parent department in which an employee is serving. Transfer, however is limited to equivalent post in the same cadre and in the same department. Whereas deputation would be a temporary phenomenon, transfer being antithesis must exhibit the opposite indications. Further, the impugned order states that the deputation is initially for a period of one year. At this juncture, it is to be noted that when an order of transfer on administrative exigency is passed, no period will be mentioned. Thus, at any stretch of



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imagination, the impugned order dated 31.12.2013 cannot be treated as transfer on administrative exigency, but transfer on deputation to the ZTI (South Zone), Chennai.

13. The facts of the case would disclose that the consent of the petitioners have not been obtained for deputing them to the sixth respondent and consent or the acceptance of such services by the borrowing employer, namely, the respondents 5 and 6 have also been obtained. Moreover, the impugned order of transfer on deputation is also in violation of the proceedings of the fifth respondent dated 28.06.2013. No doubt, the impugned order came to be passed in public interest for the reason that sufficient staffs in the cadre of SSA is not available, but the said problem might have been solved by deploying surplus staffs. The petitioners are not the senior most or junior most in the station for such deployment. In such view of the matter, the impugned order of transfer on deputation is unsustainable in law and on facts.

14. In the result, the writ petition is allowed and the order dated 26.02.2014 made in O.A.No.98/2014 passed by the Central Administrative Tribunal, Chennai Bench and the impugned order of deputation dated 31.12.2013 passed by the fourth respondent are set aside. No costs. Consequently, connected miscellaneous petition is closed.”



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4. Following the said dictum laid down by this Court, this Writ Petition is allowed and the impugned order passed by the first respondent in Letter No.05/ADW.1/2022-8, Adi Dravidar and Tribal Welfare Department, dated 25.09.2023 and the consequential order passed by the second respondent in Na.Ka.No.E4/35470/2021 dated 03.10.2023 are quashed. The respondents are directed to transfer the petitioners in the parent department, namely, the second respondent, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected miscellaneous petitions are closed.

01.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.
2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai-600 005.
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M.DHANDAPANI, J.

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