



W.P.(MD)No.19099 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.19099 of 2025

and

W.M.P.(MD) No.14649 of 2025

P.Selvaraj

: Petitioner

Vs.

1. The Joint Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 034.
2. The Assistant Director (FAC) / Superintendent,
Ex-Servicemen's Welfare Office,
10, Periyaswamy Koil Street,
Srivilliputhur,
Viruthunagar District.
3. The Assistant Director (FAC) / Superintendent,
Ex-Servicemen's Welfare Office,
Ground Floor,
Collectorate Complex,
Nagapattinam District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the impugned order passed by the 1st respondent in his proceedings No. 2676/2025/No.1 dated 04.06.2025 insofar as the petitioner is concerned and the subsequent impugned order passed by the 2nd respondent in his



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letter Na.Ka. No.2177/2025/A1 dated 16.06.2025 and quash the same as illegal.

For Petitioner : Mr.Dr.C.Guhaseelarupan

For Respondents : Mr.S.R.A.Ramachandhran

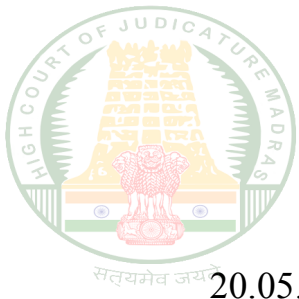
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in his proceedings No.2676/2025/No.1 dated 04.06.2025 and the subsequent impugned order passed by the 2nd respondent in his letter Na.Ka. No.2177/2025/A1 dated 16.06.2025.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Junior Assistant at Dindigul District on 15.03.2018 and thereafter, he was transferred to second respondent office at Virudhunagar District. While this being so, the first respondent communicated a notification to the concerned officers on

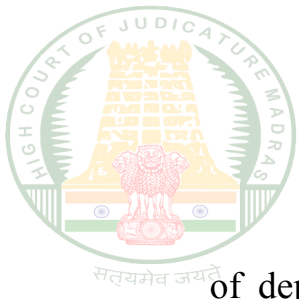


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20.05.2025 stating that the persons, who have served for more than three years in the same place should give their willingness for transfer to some other place. The petitioner immediately gave his objection on 23.05.2025 stating that he was not willing to go by transfer to some other place since he has physically disabled son, who has to be under his care. However, the transfer order dated 04.06.2025 has been passed by the first respondent transferring the petitioner from Virudhunagar District to Nagapattinam District and consequential relieving order dated 16.06.2025 has also been passed by the second respondent. The said orders are under challenge in the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner's son is a physically challenged person and he has 40% disability and he is under treatment. He further submitted that when the persons are giving care of the physically challenged person, the persons are entitled to retain in their original place as per GO.Ms.No.107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020, wherein the Department of Personnel and Training, Government of India in its Office Memorandum third read above, have issued instructions exempting a Government employee who is a caregiver



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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 Persons with Disabilities Act, 2016 from the routine exercise of transfer / rotational transfer subject to the administrative constraints. However, without considering the said GO, the impugned orders came to be passed.

5. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has not made any disability certificate with regard to his claim and therefore, the impugned order came to be passed. However, he prays that this Court may defer the transfer order and may permit the petitioner to make a representation with disability certificate as per the aforesaid GO to the first respondent and on receipt of the same, the first respondent will pass orders thereon.

6. In view of the submission made by the learned Additional Government Pleader appearing for the respondents, the second respondent is directed to defer the transfer order issued to the petitioner for a period of three weeks from the date of receipt of a copy of this order. In the meanwhile, the petitioner is granted liberty to make a



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representation before the first respondent, with the disability certificate, in terms of the GO and on receipt of the same, the first respondent shall pass orders within a period of two weeks from the date of receipt of the said representation.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.08.2025

Index : Yes / No
NCC : Yes / No
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M.DHANDAPANI, J.

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To:-

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