

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30261 of 2015

and M.P.No.1 of 2015

P.Mangayarkkarasi ... Petitioner

vs.

1.The District Collector,  
Salem, Salem District.

2.The Project Director,  
District Rural Development Agencies,  
Salem.

3.The Executive Engineer,  
District Rural Development Agencies,  
Salem. ... Respondents

Writ petition has been 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 of the first respondent in his proceedings in Na.Ka.No.13349/2015/Ni.6 dated 7.8.2015 and quash the same.

For Petitioner : Mr.K.Ramesh Kumar

For Respondents : Mr.S.Gunasekaran,  
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition challenging order of the first respondent in his proceedings in Na.Ka.No.13349/2015/Ni.6 dated 7.8.2015.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner was initially appointed as Road Inspector on 26.1.2008 and posted at Tharamangalam Union Office, Salem District. Subsequently, she passed the departmental examination and was appointed as Overseer on 3.9.2009 and posted at Vazhapadi. Again, she was transferred to Omalur Union Office as Overseer on 2.6.2010. Since her husband died and she has to take care of her children, she made several representations to the first respondent to transfer her from Omalur to Ayothiapattinam. Thereafter, in a routine manner, the first respondent, transferred her from Omalur to Ayothiapattinam as Junior Draughting Officer vide proceedings dated 14.2.2014 and she joined duty on 18.2.2014.

(b) While so, the first respondent issued a proceeding dated 7.8.2015, transferring her from Ayothiapattinam to Panamarathupatti on administrative reasons. In the transfer order, she has been posted as Overseer, which involves field work. As per the medical instructions, she cannot go to the field work. Further, the petitioner's children are studying at Salem and she has been transferred to a place which is 25 km away from the present station, that too, in the middle of the academic year. Hence, challenging the said order, the petitioner has come up with the present writ petition.

3. The first respondent filed a counter affidavit, wherein, it has been stated that the petitioner worked as Overseer from 3.9.2009 to 31.5.2010 in Vazhapadi Union and from 2.6.2010 to 17.2.2014 in Panchayat Union, Omalur for nearly five years. Thus, she is capable of discharging the duties of an Overseer. Therefore, she was transferred and posted as Junior Draughting Officer and she joined duty on 18.2.2014. Only to provide the field experience to the petitioner, she was transferred from the post of Junior Draughting Officer to the post of Overseer. Further, it is important that the petitioner should get experience in all levels of administration for further promotion. But, she is not willing to work in the post of Overseer. The post of Junior Draughting Officer and the post of Overseer are interchangeable. That is the reason why she was transferred to the post of Junior Draughting Officer. Thus, the first respondent sought for the dismissal of the writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, appearing for the respondents.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that the petitioner has not made out any

legal ground warranting this Court to quash the proceedings of the first respondent. When the order of transfer is purely on administrative reasons, this Court cannot interfere with the same. Therefore, I am not inclined to interfere with the order of the first respondent.

6. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to approach the first respondent by making a detailed representation by putting forth all her grievances and on receipt of such representation, the first respondent is at liberty to consider the same and pass appropriate orders on merits and in accordance with law.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The District Collector,  
Salem, Salem District.

2.The Project Director,  
District Rural Development Agencies,  
Salem.

3.The Executive Engineer,  
District Rural Development Agencies,  
Salem.

+1 cc to M/s.K.Rameshkumar Advocate sr 52674

+1 cc to Government Pleader sr 52814

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