

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.9596 of 2017

Santhamoorthy

... Petitioner

Vs.

1.The District Collector,
O/o.District Collector,
Dharmapuri.

2.The Block Development Officer,
Palakkode Taluk,
Dharmapuri.

3.The Commissioner,
Palakkode Panchayat Union,
Palakkode,
Dharmapuri.

4.Shanmugam,
Noon Meal Organizer,
Government Higher Secondary School,
Panchapalli Panchayat Union, Palakkode Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order of the first respondent Ref.Na.Ka.No.441 of 2015, dated 20.01.2017 forwarded through the second respondent and third respondent order in Ref.Na.Ka.No.615/2017/A4, dated 31.03.2017 and to quash both the orders as arbitrary, illegal and violative of principles of natural justice and consequently direct the first respondent to re-transfer the fourth respondent from Government Higher Secondary School, Panchapalli to Madampatti of Palakkodu Block, Palakkode, Dharmapuri and retransfer the petitioner from Madampatti Panchayat Union Primary School to Government Higher Secondary School of Palakkode Block, Pallkode, Dharmapuri District.

For Petitioner	:	Mr.S.Xavier Felix
For R1	:	Mr.T.M.Pappiah
		Special Government Pleader
For R2 & R3	:	Mr.R.S.Selvam
		Government Advocate

O R D E R

The impugned order, transferring the petitioner from Panchapalli to Mathampatti Panchayat Union Elementary School, covering only a distance of 28 kilometers has been put to challenge on the ground that without there being any allegation against the petitioner, due to political vendetta, he has been transferred and therefore, the impugned order is liable to be set aside.

2.It is stated that counselling for transferring Noon Meal Organizer was held in Dharmapuri District during December 2016. While so, no more transfer can take place without deciding the matter during the transfer counselling. Further, it is stated that the fourth respondent is residing at Vellichandai and the distance between Vellichandai to Mathampatti is hardly 5 Kilometers. The fourth respondent could have been considered as he is also younger in age.

3.But these are all the matters to be looked into by the employer. When the respondent has to decide as to who should be transferred as to where and how, the petitioner, challenging the transfer order, cannot come to this Court as the distance is the present matter being only 28 kilometers, over which the petitioner cannot have any grievance to go to his place of employment and return.

4.The second contention raised by the petitioner is that transfer can take place only during the transfer counselling on merits. If any exigency arises, during the middle of the year the competent officer is entitled to take a decision to transfer and to tide over any situation. Therefore, the respondents 1 to 3 are entitled to pass any transfer order not only during the transfer counselling but also during the subsequent period, hence the same can't be questioned. Therefore, I do not find any merits in the writ petition. Hence, the impugned order is sustained.

5. Accordingly, the writ petition fails and is dismissed. No Costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1.The District Collector,
O/o.District Collector,
Dharmapuri.

2.Block Development Officer,
Palakkode Taluk,
Dharmapuri.

3.The Commissioner,
Palakkode Panchayat Union,
Palakkode,
Dharmapuri.

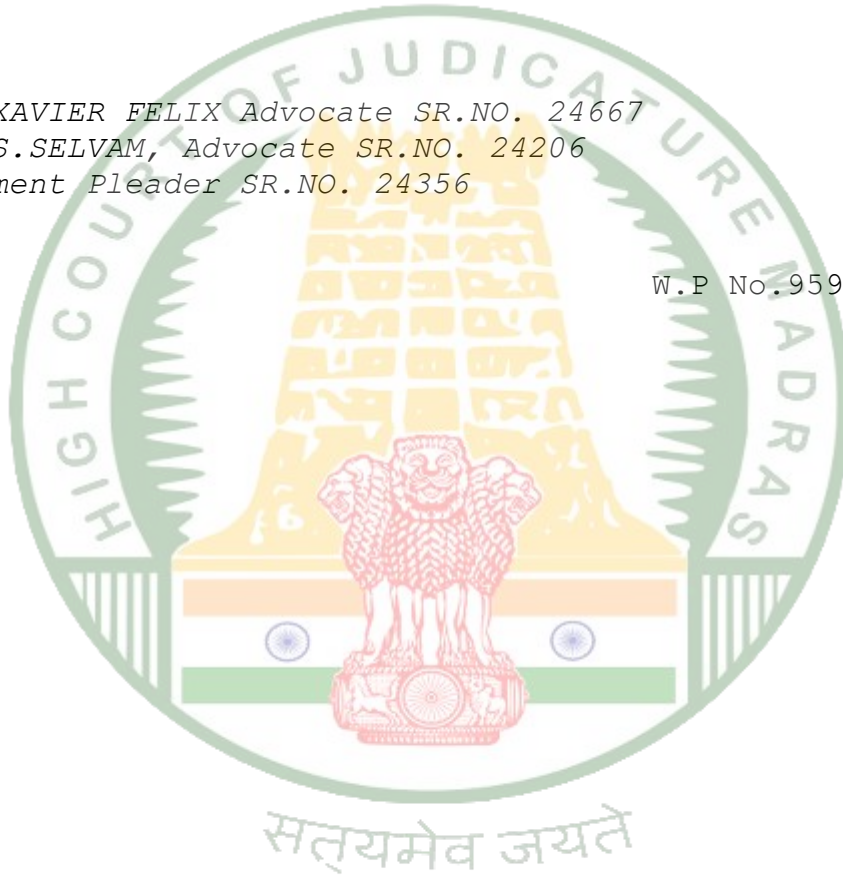
+1 CC TO M/S.S.XAVIER FELIX Advocate SR.NO. 24667

+1 cc TO M/S.R.S.SELVAM, Advocate SR.NO. 24206

+1 cc TO Government Pleader SR.NO. 24356

W.P No.9596 of 2017

vd[co]
RD 17/05/2017



WEB COPY