

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 12236 of 2017

A.Prabakaran

.. Petitioner

Versus

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Block Development Officer,
Krishnagiri Panchayat Union,
Krishnagiri District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for writ of certiorarified mandamus to call for the records relating to the order of the second respondent in his Pro.Na.Ka.No.970/2017/A.1 dated 12.04.2017 and the consequential order of transfer passed by the first respondent in his Pro.Na.Ka.No.9534/2017/K.1(1) dated 21.04.2017, quash the same as arbitrary and illegal and issue consequential directions to the first respondent to issue posting orders to the petitioner in the same post of Deputy Block Development Officer at Krishnagiri.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

The writ petition has been filed to quash the transfer order issued by the second respondent in proceeding dated 12.04.2017. The writ petitioner is working as Deputy Block Development Officer and he was transferred from Krishnagiri to Thazhi on administrative grounds. Krishnagiri and Thazhi are situated in the same District of Krishnagiri District and the writ petitioner being an employee working in the cadre of Deputy Block Development Officer, is transferred on administrative grounds.

2. On a perusal of the order impugned in this writ petition, it is seen that the writ petitioner has committed dereliction of duty, while performing his public duties and responsibilities. Even after making submissions, the learned counsel appearing for the writ petitioner stated that the charges were framed and punishment of stoppage of increment was imposed against the petitioner. Even thereafter, the petitioner has committed certain irregularities resulting in dereliction of duty.

3. Posting and transfers are conditions of service under Rule 40 of the Tamilnadu State & Subordinate Service Rules. Transfer is an incidence of service and the employees are not having any right to claim any place of posting as a matter of choice. It is the appointing authority, who has to decide the place of posting for an employee and it is not for the employees to decide the place of posting. Certain guidelines issued by the government with reference to the transfer policy is only directory and it can not be claimed as mandatory. Rule 40 supersedes the guidelines and the Rule alone will prevail over the guidelines which are only for the adherence by the subordinate officials and the writ petitioner cannot raise his claim based on the guidelines issued by the Government in this regard.

4. Accordingly, the grounds raised in this writ petition deserves no further consideration and it stands dismissed. No costs.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Block Development Officer,
Krishnagiri Panchayat Union,
Krishnagiri District.

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