



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.15888 of 2017

and

W.M.P. (MD) Nos.12555 and 12556 of 2017

S.Ramaraj

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer (Village Panchayat),
Vembakottai,
Virudhunagar District.

: Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the first respondent 10.08.2017 made in **ந.க. எண். 21789/2017** and consequential proceedings of the second respondent dated 17.08.2017 made in **ந.க.எண். 2299/13** and quash both as illegal and unconstitutional.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2.The petitioner has come to this Court questioning the correctness of the impugned transfer order dated 17.08.2017.

3.The learned counsel for the petitioner would submit that the petitioner was appointed as Secretary in Thayilpatti Village Panchayat, Virudhunagar District with effect from 01.09.2003 by the President of the said Village Panchayat. In the year 2016, the Assistant Director of Rural Development (Audit), Virudhunagar issued show cause notice, calling the petitioner to give explanations in respect of non-payment of House Tax and Water Tax collection amount to the tune of Rs.42,374/- pertaining to the financial year 2013 - 2014 and another sum of Rs.4689/- pertaining to the financial year 2014 - 2015, totaling to the tune of Rs.47,063/-, to the bank account.



4. Since, the Assistant Director of Rural Development (Audit), Virudhunagar directed the petitioner to pay the amount in the bank account, the petitioner had paid the entire amount of Rs.47,063/- in the bank account on 22.16.2016 and 28.04.2017. But, no enquiry was initiated by the Assistant Director of Rural Development (Audit), Virudhunagar. When this being the position, the first respondent has passed the impugned order dated 10.08.2017, directing the second respondent to transfer the petitioner from Thayilpatti village Panchayat to Valayapatti Panchayat. Pursuant to the order of the first respondent, the second respondent passed the impugned order of transfer dated 17.08.2017.

5. The aforementioned narration of facts makes the issue clear that the petitioner was serving as Secretary and he has admittedly after making the House Tax and Water Tax collection from the people, failed to deposit the amount in the bank account. Later, pursuant to the direction issued by the second respondent to pay the tax amount, the petitioner had paid the entire tax amount in the bank account on 22.16.2016 and 28.04.2017. When the petitioner has not even refused or disputed the non-payment of the House Tax and Water Tax collection made by him, it goes without saying that the petitioner has committed irregularity.

6. A perusal of the impugned order would clearly show that there was an enquiry conducted and only on the basis of the enquiry, the aforementioned non-deposition of the tax amount has been found and thereupon, the petitioner was directed to pay the amount. Clause III (f) of G.O.Ms.No.10 [Personnel and Administration Reforms (Personnel-S) Department] dated 07.01.1994, dealing with exceptions to the general guidelines reads as follows:

"In cases where severe allegations are pending enquiry, when it is considered necessary in the public interest, and sufficient, in lieu of suspension, that the officer may be transferred. In that case, transfer shall be effected to a vacant post in another station or the post where the junior most person of the same category is working."

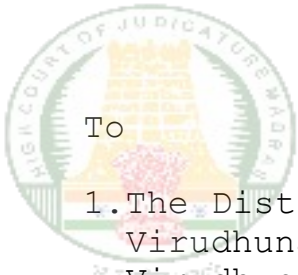
7. A perusal of the same would clearly show that the impugned order falls within the aforementioned exceptional Clause and hence, this Court is unable to find any infirmity in the impugned transfer order dated 17.08.2017.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer (Village Panchayat),
Vembakottai,
Virudhunagar District.

+1cc to M/S.J.POOVENTHERA DEVAN,ADVOCATE, SR NO.74519

+1cc to Special Government Pleader, SR.No. 74775

MR/MRN

MAS/JC/SAR4:29.08.2017:3P-5C

W.P. (MD) No.15888 of 2017
24.08.2017