



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.3980 of 2017

and

W.M.P. (MD) Nos.3176 and 8001 of 2017

S.Vellaisamy

... Petitioner

Vs.

1. The Block Development Officer, (Rural Union),
Office of Block Development Officer,
Vadamadurai Union,
Vadamadurai 624 802,
Dindigul District.
2. The Additional Block Development Officer, Region III,
Office of Additional Development Officer Region III,
Vadamadurai Union,
Vadamadurai 624 802,
Dindigul District.

3. V.Veerapan

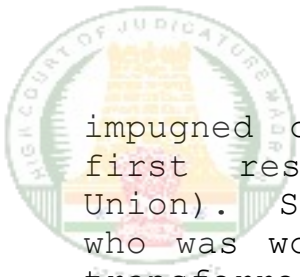
... Respondents

(third respondent is implicated vide order dated 15.12.2017)

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the impugned order of the first respondent issued in Na.Ka.No.3355/2016/B1 dated 27.02.2017 and quash the same as illegal and consequently direct the first respondent to permit the petitioner to continue to work in the present working place of Velvarkottai Panchayat, Dindigul District.

For Petitioner	:	Mr.L.Prabhu
For R1 & R2	:	Mr.R.Velmurugan Government Advocate
For R3	:	Mr.K.P.Narayanakumar

O R D E R



impugned order No.3355/2016/B1, dated 27.02.2017 passed by the first respondent, namely, Block Development Officer, (Rural Union). Simultaneously, the third respondent, namely, V.Veerapan, who was working as Panchayat Secretary at Vellayuthampalayam was transferred in the place of the petitioner by the same impugned order.

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2.The main grievance of the petitioner in the writ petition is that the transfer of the petitioner is against the Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, which reads as follows:-

"11.Transfer:- (1) Transfer of a person holding the post shall be made only on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned.

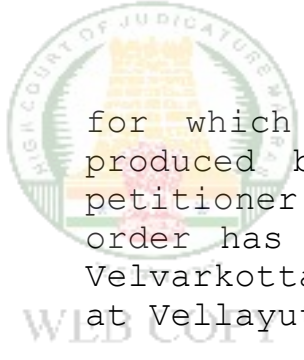
2.Transfer and posting within the Block shall be made by the Block Development Officer (Village Panchayats) of the Panchayat Union concerned. Transfer and postings to other blocks within the District shall be made by the Personal Assistant (Development) to the Collector. All transfers and postings within the Block and the District shall be done in consultation with the Executive Authority of the Village Panchayat concerned."

3.It is evident from the said Rule that the transfer of a person holding the post of Panchayat Secretary shall be made only by an administrative grounds supported by valid reasons and after proper enquiry by the authority concerned.

4.In the said circumstances, this Court, by an order dated 08.11.2017, directed the first respondent to produce the file regarding the decision making process of the impugned order for perusal of this Court.

5.On perusal of the file, it has to be noticed, as rightly submitted by the learned Government Advocate that there has not been any consultation with the Executive Authority of the Village Panchayat concerned as required under the said Rule and the impugned order does not contain any valid reasons and there is no evidence for proper enquiry having conducted by the concerned authorities before passing the impugned order.

6.The learned counsel appearing for the petitioner would submit that at the time of admission of the writ petition, an order of interim stay of the impugned order had been passed. The learned counsel appearing for the third respondent would submit that the interim order has been passed only on 08.03.2017, while the third respondent had joined duty at Velvarkottai on 03.03.2017 itself



for which he has got the report and the same had also been produced before this Court. However, it is admitted by the petitioner as well as the third respondent that after the interim order has been passed, the petitioner had rejoined the duty in Velvarkottai, while the third respondent went back had joined duty at Vellayuthampalayam.

7.In the said circumstances, the impugned order cannot be sustained and hence, the same is set aside on the ground that violation of the aforesaid conditions mentioned in Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013. However, it is made clear that it is open to the concerned authorities to pass a fresh order on merits in accordance with law.

8.With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Block Development Officer, (Rural Union),
Office of Block Development Officer,
Vadamadurai Union,
Vadamadurai 624 802,
Dindigul District.
2. The Additional Block Development Officer, Region III,
Office of Additional Development Officer Region III,
Vadamadurai Union,
Vadamadurai 624 802,
Dindigul District.

+1cc to Mr.L.Prabhu, Advocate Sr.No.93009
+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.93267
+1cc to Spl.Government Pleader Sr.No.93216

RMK

VB/KK/SAR3/17/01/2018/3P/6C

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