

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7201 of 2018

and

W.M.P.Nos.8942 and 8943 of 2018

A.Duraisamy,
Village Assistant,
Seerapalayam Village,
Madhukarai Taluk,
Coimbatore District.

... Petitioner

... Vs ...

The Tahsildar,
Madukarai,
Coimbatore District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records connected with the proceedings issued in Na.Ka.No.2016/2018A1 dated 22.03.2018 passed by the respondent (insofar as petitioner is concerned) and quash the same and consequently direct the respondent to allow the petitioner to continue at Seerapalayam Village.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.R.S.Selvam,
Government Advocate

ORDER

The present writ petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus calling for the records connected with the proceedings issued in Na.Ka.No.2016/2018A1 dated 22.03.2018 passed by the respondent

(insofar as petitioner is concerned) and quash the same and consequently direct the respondent to allow the petitioner to continue at Seerapalayam Village.

2. Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner submitted that by virtue of Rule 12 of the Village Servants Service Rules, 1980, the impugned order was passed transferring the petitioner from Seerapalayam to Chettipalayam, which is liable to be interfered with on the ground of want of jurisdiction. The said Rule reads as under:

"12. Transfer

(1) The Village Servant may be transferred either on administrative grounds or on request amounting to mutual transfer within the district, but such transfer shall be made on valid grounds to be recorded in writing.

(2) Any transfer under sub-rule (1) shall be made by the Revenue Divisional Officer within a taluk and the District Collector within the district."

3. Replying to the same, the learned Government Advocate appearing for the respondent by placing on record G.O.(Ms) No.521, Revenue Ser.VII (2) Department, dated 17.06.1998, submitted that the impugned order of transfer passed by the respondent/Tahsildar is well within the jurisdiction, i.e., within 20 kilo meters, since as per amended Rule 11 of the Village Servants Service Rules, 1980, which is given as under, every person appointed to the post shall be liable to be transferred to any place within the Taluk by the Taluk Tahsildar.

"11. Transfer and postings

Every person appointed to the post shall be liable to be transferred to any place

- (i) within the Taluk by the Taluk Tahsildar;
- (ii) within the Revenue Division by the Revenue Divisional Officer;
- (iii) within the district by the District Collector; and
- (iv) on administrative grounds, outside the district by the commissioner of Revenue Administration."

4. I fully agree with the submission made by the learned Government Advocate. The reason is, as per G.O.(Ms) No.521, Revenue Ser.VII (2) Department, dated 17.06.1998, amending Rule 11 of the Village Servants Service Rules, 1980, clearly says

that every person appointed to the post viz., the Village Assistant shall be liable to be transferred to any place within the Taluk by the Taluk Tahsildar. Therefore, the writ petition fails and the same is dismissed. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jrl

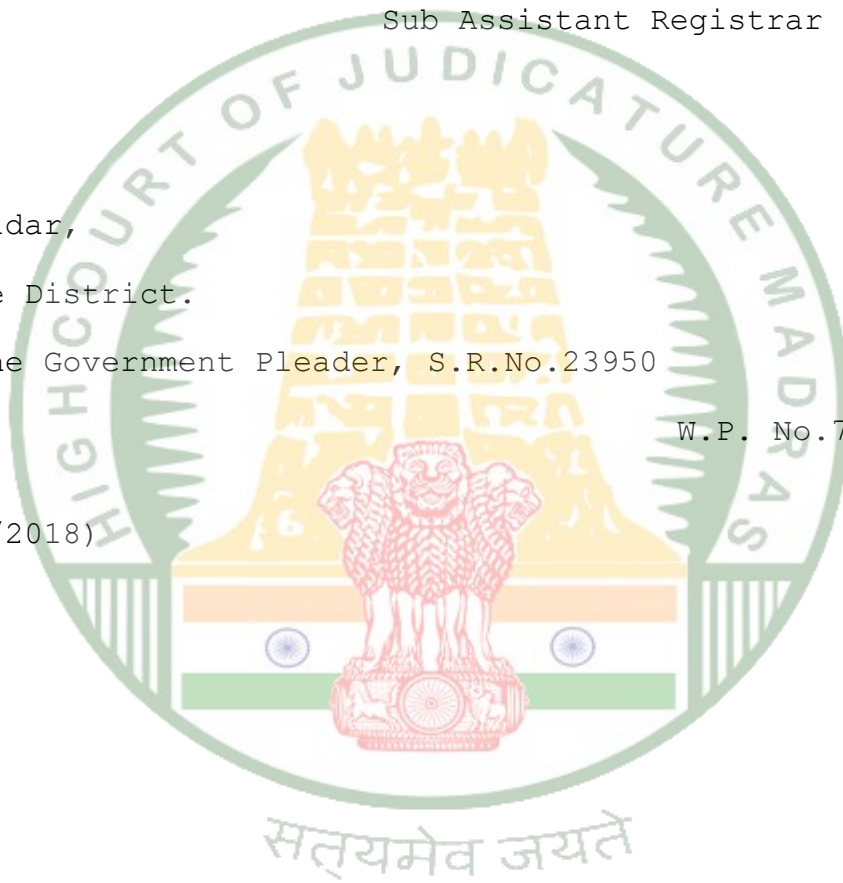
To

The Tahsildar,
Madukarai,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.23950

W.P. No.7201 of 2018

sks (CO)
GSP(17/04/2018)



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