

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 20507 of 2018
and
WMP.No.24103 of 2018

G.Arulnathan

...Petitioner

Vs.

1. Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Collector,
Kancheepuram District.

3. The Revenue Divisional Officer,
Kancheepuram District.

4. The Tahsildar,
Sriperumbudur Taluk.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the third respondent to forthwith prepare seniority list of all VAOs in Kancheepuram District in accordance with G.O.Ms.No.515 Revenue (Service - 7(1)) dated 28.08.2008 by considering representations of petitioner dated 30.07.2018 and 31.07.2018 and conduct the counselling based on the District Seniority list.

For Petitioners : Mr. S.Ramesh

For Respondents : Mrs. R.Janaki
Additional Government Pleader

O R D E R

Mrs. R.Janaki the learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The grievance of the petitioner in this Writ Petition is that he on mutual transfer came to Sri Perumbudur Taluk in the year 2015 and posted as Village Administrative Officer in Pillaipakkam Village within the same Taluk. However, Pallavaram Taluk was carved out of the Sriperumbudur Taluk and Mangadu Village included under Pallavaram Taluk and the petitioner without his consent, was posted in Mangadu Village as Administrative Officer. But later on, the petitioner again on mutual transfer came to Sri perumbudur Taluk and posted to Sengadu Village on 18-08-2016. Though the petitioner was posted on 18.08.2016 in same village but now he has been included in the list for transfer counseling in serial no. 58 without taking into consideration his District wise seniority. When aforesaid seniority list was prepared including the name of petitioner inviting objection of his inclusion in the transfer counseling, the petitioner objected his inclusion to be illegal, arbitrary in view of the guidelines in G.O.Ms.No. 515 Revenue (Service - 7 (1)) Department dated 25.08.2008 by an appropriate representation to the respondents including the third respondent. But, without dealing with his such representation, his name continue to figure in the transfer counseling list dated 28.05.2018 and there is no response to his representation and as such he came to challenge the same in this Writ Petition and made a prayer directing the Government to follow the aforesaid G.O.Ms.No. 515 Revenue (Service - 7(1)) Department dated 25.08.2008 while dealing with the transfer of the petitioner in the said counseling.

3. But during the course of hearing of the learned counsel for the petitioner submits that without considering his representation and the Government Order in this regard since the authority is proceeding with the counseling, they may be directed to consider his representation first and then proceed with transfer counseling.

4. The learned Additional Government Pleader who accepts notice on behalf of the respondents, however makes objection on the ground that counseling is going to be taken up shortly as stated and as such at this stage petitioner could not have made any grievance particularly when he remains in a post within Sriperumbudur Taluk which qualifies for transfer counseling.

5. Be that as it may, considering the nature of relief sought for and also the fact that transfer counseling is going to be taken up shortly, this Court disposed of this Writ Petition with a direction to dispose of the representation of the petitioner in the light of the aforesaid Government Order, within ten days of receipt of the copy of this order. However,

there is no impediment to have the transfer counseling but the petitioner's transfer from the post is subject to outcome of the representation of the petitioner in this regard.

4. With the aforesaid order, this Writ Petition stands disposed of at the stage of admission. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrm/arr

To

1. Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Collector,
Kancheepuram District.

3. The Revenue Divisional Officer,
Kancheepuram District.

4. The Tahsildar,
Sriperumbudur Taluk.

+2cc to Mr.S.RAMESH, Advocate, S.R.No.54622
+1cc to the Government Pleader, S.R.No.55044

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TR(10/08/2018)

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