

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13158 of 2015

And

M.P.No.2 of 2015

Kayampattu Panchayat
Represented by its President,
R.Chitra, Kayampattu
Chengam Taluk,
Thiruvannamalai District. .. Petitioner

Versus

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Assistant Director,
Panchayat Department,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Personal Assistant to the Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Block Development Officer,
Chengam Union,
Chengam Taluk,
Thiruvannamalai District.

5.V.Jayamohan .. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the fourth respondent in Na.Ka.Vo/A4/3439/2013, dated 24.11.2014 and quash the same and consequently, direct the fourth respondent to pass appropriate orders to transfer the fifth respondent from the Paramanathal Village to the Kayampattu Village Panchayat, Chengam Taluk, Thiruvannamalai District as Village Secretary.

For Petitioner : Mr.P.Jayachandran
For Respondents-1to3 : Mr.D.Raghu,
Government Advocate.
For Respondent-4 : Ms.P.Rajalakshmi
For Respondent-5 : Mr.Prakash Kumar

O R D E R

The order of transfer issued by the fourth respondent in proceedings dated 24.11.2014, transferring the Secretary of Kayampattu Panchayat, is under challenge in this writ petition.

2. The order impugned, dated 24.11.2014, states that the Secretary Thiru V.Jayamohan, serving in Kayampattu Panchayat is transferred to Paramanathal Municipal Panchayat and the Secretary, who is working in Paramanathal Municipal Panchayat Thiru P.Rajendiraprasad is transferred to Kayampattu Panchayat. The Block Development Officer, Chengam, issued the said transfer order on administrative grounds. However, the Secretary, who was transferred, has not filed the present writ petition. Contrarily, the President, Kayampattu Panchayat, has filed the present writ petition, challenging the transfer order issued in respect of the employees on administrative grounds.

3. The President of the Panchayat has no locus standi to challenge the order of transfer in view of the fact that the order of transfer was issued in respect of employees working in Panchayats. The transfer orders issued on administrative grounds, if at all, can be challenged by the aggrieved persons.

4. The President of the Panchayat, cannot be construed as an aggrieved person and therefore, the writ petitioner has no locus standi to challenge the transfer order issued by the Block Development Officer.

5. This apart, the President of the Panchayat had already been relieved from the post of President and now the Special Officer is functioning the Panchayat. This being the factum of the case, the writ petition is devoid of merits and accordingly, the same stands dismissed. However, there shall be no order as to costs. Consequently,

connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 2.The Assistant Director,
Panchayat Department,
Thiruvannamalai,
Thiruvannamalai District.
 - 3.The Personal Assistant to the Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 4.The Block Development Officer,
Chengam Union,
Chengam Taluk,
Thiruvannamalai District.
- +1 cc to Mr.P.JAYACHANDRAN Advocate SR.NO.48699
- +1 cc to GOVERNMENT PLEADER SR.NO.48699

GJ(CO)
ASK(06/08/2018)

WP 13158 of 2015

सत्यमेव जयते

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