

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.06.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.9988 of 2018

M.Narayanan

...Petitioner

Versus

1. The Collector,
Krishnagiri District, Krishnagiri.
2. The Project Director,
District Rural Development Agency,
O/o.Collectorate, Krishnagiri.
3. The Block Development Officer, (Village Panchayat),
Veppanapalli, Krishnagiri District .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 05.02.2018 and to transfer the petitioner from Kuriyanapalli Panchayat to Chennasanthiram Panchayat as Panchayat Secretary.

WEB COPY

For Petitioner	:M/s.S.Doraisamy
For Respondents	:Mrs.R.Janaki, Additional Government Pleader for R1 and R2 Mr.D.Venkatachalam, Additional Government Pleader for R3

ORDER

This writ petition has been filed seeking for direction to direct the respondents to consider and pass orders on the representation of the petitioner dated 05.02.2018 and to transfer the petitioner from Kuriyanapalli Panchayat to Chennasanthiram Panchayat as Panchayat Secretary.

2. It appears that the petitioner was initially appointed as a part time writer in the Chinnasathiram Panchayat, Krishnagiri Taluk. He preferred an application to the President of the Chinnasandiram Panchayat. Based on the G.O.Ms.No.230, Rural Development/E3 Department dated 15.10.1996, the service of the petitioner was regularized by the Chinnasandiram Panchayat. While so, on 29.10.2012, the 3rd respondent placed the petitioner under suspension on the ground that he was responsible for illegally permitting one Murugan to get drinking water connection which was meant for general public. In this regard, an enquiry has been conducted by the 3rd respondent and found that the petitioner was not responsible for illegal tapping by the said Murugan and therefore,

<http://www.judis.nic.in> sent a letter to the 1st respondent to revoke the order of suspension.

Though the 3rd respondent forwarded the report to the Joint Director on 10.12.2012, the Joint Director did not pass any order and hence, the petitioner filed a writ petition in WP No.2773 of 2013 before this Court, which was disposed of with a direction to the 1st respondent to dispose the explanation submitted by the petitioner on 16.11.2012 on merits within a period of four weeks. Thereafter, the District Collector in his proceedings in Na.Ka.No.18405/2012/M3 dated 11.09.2013 passed an order revoking the order of suspension and permitted the petitioner to join as Secretary of the Chinnasathiram Panchayat. Despite the order of the Collector, the petitioner was not permitted to get into the office of the Chinnasandiram Panchayat, challenging the same, he filed a WP No.30474 of 2013 praying for a direction to allow him to perform his duty as per the orders of the Collector dated 11.09.2013 and also to pay salary from the date of suspension up to the date of revocation of the suspension and the said writ petition was disposed of by this Court on 11.11.2013 directing the respondents 1 and 2 to pass suitable orders on the petitioners' representation dated 07.10.2013 within a period of eight weeks. However, thereafter the petitioner was transferred from Chennasanthiram Panchayat to Kuriyanapalli Panchayat on 03.12.2013.

3. The grievance now expressed by the petitioner is that after his transfer from Chennasanthiram Panchayat to Kuriyanapalli Panchayat for no mistake though he has made a representation to retransfer him to his original place of posting after rendering 5 years of service. Since no response is forthcoming from the 1st respondent, the petitioner has come forward to file this writ petition seeking the relief as stated earlier.

4. The learned counsel appearing for the 3rd respondent has drawn the attention of this Court to the Counter affidavit and would submit that the petitioner while working in the Chinnasathiram Panchayat, he was placed under suspension for his involvement in illegal tapping of water connection. However, the order of suspension was revoked and thereafter the order of transfer has been made to his present place of working and further submitted that the transfer is an incident of service and the authority has wide power in the matter of transfer. The employee cannot say that he should be transferred to a particular place, so also, it is not mandatory to transfer an employee after completion of three of service and in the meanwhile, a notification was also issued to fill up the post of

process of recruitment has not yet been taken up on account of pendency of the writ petition and in such premises, avered that the writ petition filed by the petitioner in this regard is devoid of merit and liable to be dismissed.

5. The learned counsel appearing for the 1st respondent would submit that the 3rd respondent is the competent authority to get the transfer effected within the block and as such, the representation of the petitioner is otherwise not valid.

5. Heard the submissions of both sides and perused the materials placed.

6. No doubt transfer being an incidence of service, an employee cannot as a matter of right seek transfer to a particular place. However, the same does not preclude him to ventilate his grievance before the authority, in this regard. The petitioner's grievance is that he has made representation to consider his representation to retransfer as according to him, after his transfer from the post for which there was no apparent reason, she has

representation has not been disposed of and the authority is going to fill up the post. In such premises, it is directed that the representation of the petitioner be disposed of by the respondent concerned with a informed and considered decision in its own merit within a period of two weeks from the date of receipt of copy of this order. However, It is made clear that the pendency of the representation shall not stand in the way of the 3rd respondent to proceed with the process of recruitment but no order of appointment shall be given till the disposal of the representation of the petitioner by the 1st respondent. The petitioner shall serve copy of this order within 10 days hence before the 1st respondent. No costs.

22.06.2018

rka

To

1. The Collector,
Krishnagiri District, Krishnagiri.
2. The Project Director,
District Rural Development Agency,
O/o. Collectorate, Krishnagiri.
3. The Block Development Officer, (Village Panchayat),
Veppanapalli, Krishnagiri District

SATRUGHANA PUJAHARI.,J
rka



W.P.No.9988 /2018

WEB COPY

22.06.2018