

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8606 of 2016
and
W.M.P.No.7658 of 2016

K.Selvaraju

...Petitioner

Vs.

1.The District Collector
Ariyalur District, Ariyalur.

2.The Assistant Director
(Panchayat) Collectorate, Ariyalur
Ariyalur, Ariyalur District.

3.The Personal Assistant to
the District Collector
(Panchayat Development),
Collectorate
Ariyalur, Ariyalur District.

4.M.Seeman

... Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the Third Respondent in his proceedings Na.Ka.No.3759/2015/Uu.Va.3 dated 26.02.2016 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.T.M.Pappiah
Special Govt. Pleader [For R1 to R3]

Mr.P.Paramasivadas for Mr.J.Pradeep
[For R4]

O R D E R

The order of transfer issued by the Third Respondent/Personal Assistant to the District Collector, (Panchayat Development), Collectorate, Ariyalur, Ariyalur District in proceedings dated 26.02.2017 is under challenge in this Writ Petition.

2.The Writ Petitioner has filed this Writ Petition challenging the order of transfer in his capacity as the President of Devanur Panchayat, Devanur Post, Udayarpalayam Taluk, Ariyalur District.

3.The grievances of the Writ Petitioner is that the Fourth Respondent cannot be transferred as Panchayat Secretary in respect of Devanur Panchayat Union.

4.The Writ Petitioner though has given some reasons against the Fourth Respondent for not posting him in respect of Devanur Panchayat, this Court is of an opinion that the Writ Petitioner has no locus-standi to challenge the order of transfer issued in favour of the Fourth Respondent. The Writ Petitioner in his capacity as a President cannot challenge the order of an administrative transfer issued by the Third Respondent/Personal Assistant to the District Collector (Panchayat Development). It is not the choice of the Writ Petitioner to have the employees in Panchayat and if at all any complaints or otherwise, the Writ Petitioner can raise some objections before the appropriate authorities concerned.

5.The learned counsel appearing on behalf of the First to Third Respondent states that on account of certain allegations against the Fourth Respondent, the Third Respondent issued a charge memo is also pending against the Fourth Respondent.

6.It is made clear that the charge memo issued to be proceeded with and an enquiry to be conducted and accordingly, appropriate orders will be passed. The disciplinary proceedings initiated against the Fourth Respondent is no way connected with the order of transfer, which is incidental to service and therefore, the Petitioner cannot challenge the order of transfer issued in favour of the Fourth Respondent and the Writ Petitioner cannot be said to be an aggrieved person, so as to entertain this Writ Petition.

7.This apart the Writ Petitioner seems to be President of the Devanur Panchyat Union and he was relieved from the post of President. This being the factum of the case, no further consideration is required in respect of the grounds raised in the Writ Petition.

8.Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

may
To

- 1.The District Collector, Ariyalur District, Ariyalur.
- 2.The Assistant Director, (Panchayat) Collectorate, Ariyalur, Ariyalur, Ariyalur District.
- 3.The Personal Assistant to the District Collector, (Panchayat Development), Collectorate, Ariyalur, Ariyalur District.

+ 1 cc to Mr.J. Pradeep, Advocate Sr.56481
+ 1 cc to MR. Government Pleader sr.56404

(CS-IX)
EU(07/09/2018)

W.P.No.8606 of 2016

सत्यमेव जयते

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