



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1730 of 2018

and

W.M.P. (MD) .Nos.1843 & 1844 of 2018

S.Pounpandi

... Petitioner

Vs.

1. The District Revenue Officer,
Collectorate Complex, Madurai.

2. The Revenue Divisional Officer,
Collectorate Complex, Madurai.

3. The Tahsildar,
Madurai North Taluk, Collectorate Complex,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Na.Ka.Ni.Va.1/40429/2016 dated 23.01.2018 with regard to the petitioner and quash the same.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.K.Saravanan

Government Advocate

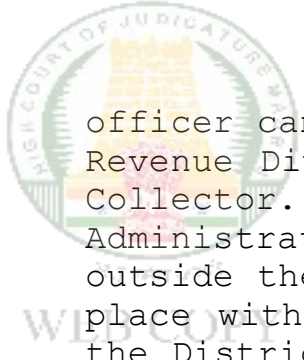
ORDER

Heard Mr.K.Saravanan, learned Government Advocate, takes notice on behalf of the respondents.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3.The petitioner is working as a Village Administrative Officer in Madurai North Taluk. By order dated 23.01.2018, he was transferred within the same division of another village. The same was assailed in this Writ Petition.

4.The learned counsel appearing for the petitioner challenges the impugned order of transfer on the ground of jurisdiction. He invokes Rule 38(b) (iii) of Tamil Nadu Ministerial Service Rules. It has been mentioned therein that a Village Administrative



officer can be transferred to any place within the division by the Revenue Divisional Officer or within the district by the District Collector. On administrative grounds, the Commissioner of Revenue Administration can transfer the Village Administrative Officer to outside the District. In the present case, the transfer has taken place within the district, but the order has been passed only by the District Revenue Officer. When the statutory rules confer the power to transfer the Village Administrative Officer only on the Revenue Divisional Officer and the District Collector, it is only the said authorities who can pass orders. This Court would not interfere if the order has been passed by the Revenue Divisional Officer/ the District Collector. In this case, it is the District Revenue Officer who has passed the impugned order of transfer. He is not an authority referred to in the said statutory Rule. He does not have the jurisdiction to pass an order of transfer in this case.

5.The learned Government Advocate would place reliance on G.O. (MS).No.512, dated 23.03.1994. This Court is not persuaded by the said submission. The Government order cannot prevail over the statutory rules. In this view of the matter, the impugned order of transfer is set aside.

6.The Writ Petition stands allowed accordingly. No costs. Consequently the connected miscellaneous petition are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Collectorate Complex, Madurai.
2. The Revenue Divisional Officer,
Collectorate Complex, Madurai.
3. The Tahsildar,
Madurai North Taluk, Collectorate Complex,
Madurai.

+1cc to Spl.Government Pleader Sr.No.45208

+1cc to Mr.V.Perumal, Advocate Sr.No.45165

TSG

VB/SKN/RSK/SAR2/08/06/2018/2P/6C