

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-03-2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 9761 of 2018
W.M.P.Nos.11693 & 11694 of 2018
W.M.P.No.2754 of 2019

M.Elumalai

Vs

... Petitioner

1. The Special Officer,
Nedungundram Panchayat,
Kattankulathur Union,
Kanchipuram District.
2. The Block Development Officer
(Village Panchayat)
Kattankulathur Union,
Kanchipuram District.
- 3.The P.A. (Development to Collector)
Kanchipuram District,
Kanchipuram.
4. The Assistant Director (Audit),
Kanchipuram District,
Kanchipuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records to quash the impugned transferred proceedings passed by the 1st respondents herein in his proceedings No. Na.Ka.3560/2015/AA1, dated 28.03.2018 and further direct the 1st respondent herein to allow the petitioner to work as a Panchayat Secretary in the present station (i.e.,)

Nedungundram Panchayat.

For Petitioner : Mr.P.Gurunathan

For Respondents : Ms.M.Lalitha
for R1 and R2.
Mr.R.S.Selvam,
for R3 and R4.

ORDER

The impugned order of transfer, transferring the writ petitioner from Nedungundram Panchayat to Karani Puducherry Panchayat within the same Block Development Office is under challenge in the present writ petition.

2. The writ petitioner is working as Panchayat Secretary and on account of the certain complaints from village people, he was transferred from Nedungundram to Karanai Puducherry Panchayat on administrative grounds. This Court is of an opinion that the writ petitioner is transferred within the same Block Development Office and the distance between the two places is not very far. Therefore, the impugned transfer order would not affect the normal life of the writ petitioner. Transfer is incidental to service, more so a condition of service. The writ petitioner is transferred on administrative grounds and on receipt of complaints from the village people. This being the reason,

issuance of transfer order cannot be interfered with. The writ petitioner has raised a ground that the 1st respondent has no jurisdiction to pass the impugned order. The 1st respondent is fully empowered under the statute to pass orders concerning the administration of the village Panchayat. Moreover, on a perusal of the order, it is seen that large number of complaints were received from the local people that the petitioner was demanding money. Therefore, the order passed by the 1st respondent is sustainable.

3. The High court cannot interfere with the transfer order in a routine manner, judicial review against the order of transfer is certainly limited.

4. In the present case on hand, the writ petitioner is transferred to the next village in the same Block Development Office. This being the factum of the case, this Court is not inclined to consider the case of the writ petitioner and accordingly, the writ petition stands dismissed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssb

To

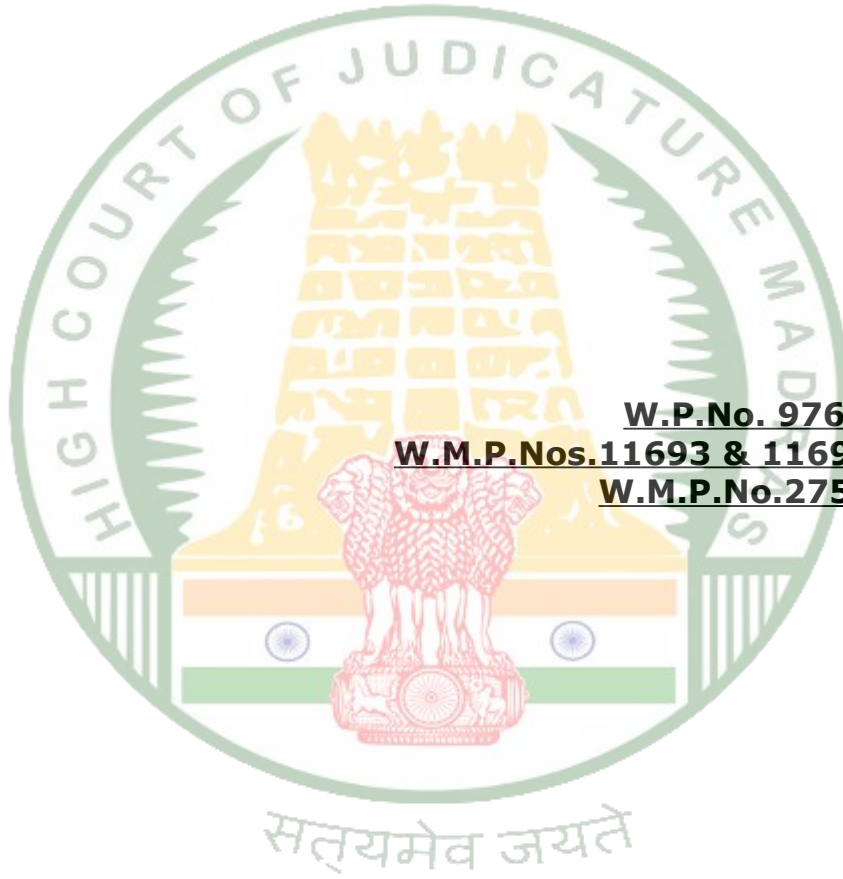
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S.M.SUBRAMANIAM, J.

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