

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27662 of 2019

and

W.M.P.Nos.27176 & 27177 of 2019

J.Jayachandran

... Petitioner

Vs.

The Block Development Officer
(Village Panchayat)
Kattankolathur Block
Kancheepuram District

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records relating to the respondent herein in Na.Ka.No.3650/2015/Aal, dated 09.09.2019 and quash the same in so far as the petitioner herein is concerned and consequently confer all the attendant benefits.

For Petitioner : Mr.S.P.Patel

For Respondent : Mr.J.Ramesh, A.G.P.
for Mr.R.S.Selvam, G.A.

O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is working as Kattankolathur Village Panchayat Secretary at Karanaipuducheri Panchayat Union, Kattankolathur Block, Kancheepuram District under the control of the Respondent Department. The petitioner is serving his duty with unblemished records of service and appreciation of the superiors and as well as the general public while discharging his duty. While being so, the impugned order of transfer has been passed against the petitioner by the proceedings in Na.Ka.No.3650/2015/Aal, dated 09.09.2019, is much in derogation of the rules existing there for and by non application of mind. Hence, the petitioner is before this Court.

3.The learned counsel would further submit that while issuing the impugned orders, the conditions of services of the petitioner issued vide G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013 stipulates existence of administrative conditions to warrant transfer under the rules framed thereunder, which, the respondent has not followed. The learned counsel relied upon the decision of this Court made in W.P.No.8444 of 2019, wherein, this court has categorically held that as per Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013. Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the transfer order ought to contain the valid reasons and followed by enquiry by the authorities concerned. Accordingly, prays for quashing the impugned order.

4.It is seen from the records that the petitioner is working in the said Panchayat right from the year 2004 for more than 16 years in Kattankolathur Block. This court in W.P.No.8444 of 2019 has observed as follows:

Transfer:-

(1) Transfer of a person holding the post shall be made only on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned.

(2) Transfer and postings within the Block shall be made by the Block Development Officer (Village Panchayats) of the Panchayat Union concerned. Transfer and postings to other Blocks withing the District shall be made by the Personal Assistant (Development) to the Collector. All transfers and postings within the Block and the District shall be done in consultation with the Executive Authority of the Village Panchayat concerned. The Commissioner / Director of Rural Development and Panchayat Raj is the competent authority to make transfer from one District to another District based on the specific report from the Collector.

5.On a perusal of the impugned order, it is clear that the transfer has been made on the ground of administration supported by valid reasons and after proper enquiry. Further, the rule imposed a condition that the transfer shall be effected within the Panchayat Block. In the present case, the transfer is effected within the Panchayat Block for the administrative purpose, which is a valid reasons for transfer. The impugned order states that three persons were transferred within the Block. Admittedly, the petitioner is working in the Village for more than 16 years. The petitioner is transferred from Karanai Puducherry Village to Palur Village Panchayat, which is within 10 km of the distance.

6.Considering the facts and circumstances of the case, the transfer was effected in respect of three persons on administrative reasons. The reference also states "bjhlh;g[ila Mtz';fs;". In view of the valid reasons, the decision rendered by this Court in W.P.No.8444 of 2019 is not applicable to the present case.

7.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Block Development Officer
(Village Panchayat)
Kattankolathur Block
Kancheepuram District

+1cc to Mr.S.P.Patel, Advocate, SR.No.80649

W.P.No.27662 of 2019
and
W.M.P.Nos.27176
& 27177 of 2019

Kak(22/10/2019)

सत्यमेव जयते

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