

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29310 of 2019

And

W.M.P.Nos.29108 and 29120 of 2019

M.Ezhumalai

... Petitioner

Vs.

The Block Development Officer
(Village Panchayats),
Kattankolathur Block,
Kancheepuram District.

... Respondent

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the respondent herein in Na.Ka.No.3650/2015/Aa1, dated 09.09.2019 and quash the same in so far as the petitioner herein is concerned and consequently direct the respondent to confer all the attendant benefits.

For Petitioner : Mr.A.Sundara Vadhanan

For Respondent : Mr.M.Elumalai

Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the respondent herein in Na.Ka.No.3650/2015/Aa1, dated 09.09.2019 and to quash the same in so far as the petitioner herein is concerned and to consequently direct the respondent to confer all the attendant benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.The case of the petitioner is that the petitioner is working as Village Panchayat Secretary in the Nedunkundram Panchayat Union and vide proceedings of the respondent dated 09.09.2019, the petitioner was transferred to Kattankolathur Block, Kancheepuram District citing administrative grounds. Challenging the same, the present writ petition has been filed.

4.The learned counsel appearing for the petitioner would submit that as per G.O.(Ms) No.72, Rural Development and

Panchayat Raj (E5) Department, dated 09.07.2013, the 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. In the present case, without conducting any enquiry and without any valid reasons, the transfer order has been passed, which is bad in law.

5.The learned Government Advocate appearing for the respondent would submit that the Block Development Officer is the competent person to transfer the Secretary within the jurisdiction and after elaborate enquiry only the transfer order was passed and it cannot be revealed to the petitioner. It is for the competent Authority to satisfy himself before passing the transfer order. He would further submit that the transfer order need not be interfered with since it is passed only on administrative grounds. The petitioner is transferred to Kattankolathur Block, Kancheepuram District and the said Panchayat is situated within the Union for which the petitioner cannot have any grievance.

6.The grievance of the petitioner is without any valid reason. The transfer order was made considering the facts and circumstances and the competent Authority's satisfaction need not be reflected in the impugned order. It is for the Authority to satisfy himself based on the related documents in which this Court cannot conduct a roving enquiry as to whether the competent Authority is satisfied or not.

7.The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Block Development Officer
(Village Panchayats),
Kattankolathur Block,
Kancheepuram District.

+1 CC to Mr.A.Sundaravadhanan, Advocate sr 85728.

W.P.No.29310 of 2019

And

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NRL(CO)
SP(13/11/2019)