

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29827 of 2019
and W.M.P.Nos.29724, 29728 & 29735 of 2019

A.Alwin

...Petitioner

vs.

- 1.The Director of Agriculture,
Chepauk, Chennai - 600 005.
 - 2.The Joint Director of Agriculture,
Cuddalore District.
 - 3.The Assistant Director of Agriculture,
Kurinjipadi, Cuddalore District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Joint Director of Agriculture, Cuddalore in A3/11204/2019 dated 19.09.2019 in transferring the petitioner from the post of Assistant Seed Officer from Kurinjipadi, Cuddalore District to Assistant Seed Officer at Annagramam - 1, Annagramam and the proceedings of the Joint Director of Agriculture, Cuddalore in A3/11204/2019(2) dated 23.09.2019 in transferring the petitioner from the post of Assistant Seed Officer from Kurinjipadi, Cuddalore District to Assistant Seed Officer at Cuddalore-1, Cuddalore within a period of three years violating G.O.Ms.No.10 (P&AR) Department dated 07.01.1994 and quash the same and direct the 2nd respondent to permit the petitioner to continue as Assistant Agricultural Officer at Karunguzhi in the O/o. Assistant Director of Agriculture, Kurinjipadi, Cuddalore District with all consequential service and monetary benefits including arrears of salary which has not been paid on account of transfer.

For Petitioner : Ms.G.Sridevi
For Respondents : Mr.A.N.Thambi Durai
Additional Government Pleader

ORDER

The Writ Petition has been filed by the petitioner to quash the proceedings of the Joint Director of Agriculture, Cuddalore in A3/11204/2019 dated 19.09.2019 in transferring the petitioner from the post of Assistant Seed Officer from Kurinjipadi, Cuddalore District to Assistant Seed Officer at Annagramam - 1, Annagramam and the proceedings of the Joint Director of Agriculture, Cuddalore in A3/11204/2019(2) dated 23.09.2019 in transferring the petitioner from the post of Assistant Seed Officer from Kurinjipadi, Cuddalore District to Assistant Seed Officer at Cuddalore-1, Cuddalore within a period of three years violating G.O.Ms.No.10(P&AR) Department dated 07.01.1994 and direct the second respondent to permit the petitioner to continue as Assistant Agricultural Officer at Karunguzhi in the Office of the Assistant Director of Agriculture, Kurinjipadi, Cuddalore District with all consequential service and monetary benefits including arrears of salary which has not been paid on account of transfer.

2.The case of the petitioner is that the petitioner is working as Assistant Seed Officer, Kurinjipadi Block, Cuddalore District. Earlier occasion, he was transferred from Kurinjipadi to Annagramam on 19.09.2019 by the second respondent and immediately, the petitioner went on medical leave and again on 23.09.2019 the order was passed cancelling the earlier transfer order and transferring the petitioner to Cuddalore. Challenging the transfer orders, the petitioner filed a Writ Petition before this Court.

3.The learned counsel appearing for the petitioner would submit that the order of transfer with malafide intention and the second respondent forced the petitioner to purchase seed from one Balusami and other relatives, Balusami is none other than the close relative of the Joint Director. Since the petitioner not yielded the pressure by the second respondent cancelling the earlier transfer order from Kurinjipadi to Annagramam again transfer order passed from Annagramam to Cuddalore. In order to accommodate one Basker and the entire transfer orders are malafide and accordingly, he prayed for allowing this writ petition.

4.The learned Additional Government Pleader appearing for the respondents would submit that order of transfer was passed on the administrative grounds. The District Collector conducted farmers grievance day meeting in which one Kumaraguru made allegations against the petitioner and the petitioner purchased seed from in and around Virudhachalam which is the native place

of the petitioner and the petitioner is not purchasing the seeds from Kurinjipadi farmers and other several allegations were made against the petitioner. In order to maintain the good relationship between the Agricultural Block Office and the farmers, the transfer order was effected and it is not a punishment. However, the transfer order from Kurinjipadi to Annagramam, the petitioner went on medical leave for which the transfer order was not given effect. In the meantime, one Baskar made representation on medical grounds to accommodate him to Annagramam since the petitioner relieved from Annagramam. However, the petitioner did not joined in Annagramam. Hence the earlier transfer order was cancelled and Baskar was accommodated in Annagramam. Further, the petitioner was transferred to Cuddalore which is purely on the administrative grounds and no malafide involved in this matter.

5. Considering the facts and circumstances, earlier occasion, the petitioner was transferred from Kurinjipadi to Annagramam on 19.09.2019 by the second respondent and immediately, the petitioner went on medical leave and again on 23.09.2019 the order was passed cancelling the earlier transfer order and transferring the petitioner to Cuddalore. Till date, the petitioner not joined and he is not willing to join in the transferred place, though he relived from Kurinjipadi. Further, the petitioner in medical leave till date and not chosen to join any other place.

6. In view of the above, this Court is not inclined to interfere with the transfer orders and accordingly, the Writ Petition stands dismissed with direction that the petitioner is directed to join the transferred place. Thereafter, liberty granted to the petitioner to make representation after six months to the Competent Authority. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Agriculture,
Chepauk, Chennai - 600 005.

2.The Joint Director of Agriculture,
Cuddalore District.

3.The Assistant Director of Agriculture,
Kurinjipadi, Cuddalore District.

+1cc to M/s.G.Sridevi, Advocate SR.No.88068

+1cc to The Government Pleader, SR.No.88263

AKM/10.12.19 /4p-6c/

W.P.No.29827 of 2019



WEB COPY