

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30023 of 2019 and
W.M.P.Nos.29936 & 29938 of 2019

N.Vishnuvardhan

... Petitioner

Vs.

1. The District Collector (PD Section),
Krishnagiri District,
Krishnagiri
2. The Block Development Officer (PD Section),
(Special Officer) Village Panchayat,
Hosur Panchayat Union, Krishnagiri District,
Krishnagiri.

3.B.Madesh

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records pertaining order bearing Se.Mu.Na.Ka.No.19372/2019/M3 dated 10.10.2019 of the first respondent herein insofar it relates to the petitioner and quash the same.

For Petitioner : Mr.P.Saravanan
For R1 : Mr.R.S.Selvam,
Government Advocate
For R2 : Mr.R.S.Suresh,
Government Advocate

O R D E R

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

2. The case of the petitioner is that the petitioner is working as Village Secretary in Nallur Village Panchayat and he was transferred from Nallur to Anchettippalli. One, Madesh, who is working as Village Secretary in Anchettippalli was transferred to Nallur Village. Challenging the said transfer order dated 10.10.2019, this writ petition has been filed.

3.The learned counsel appearing for the petitioner would submit that one, Madesh filed writ petition challenging the transfer order transferring him from Begapalli Village Panchayat to Anchettipalli Village Panchayat, which was dismissed by this Court. In order to accommodate the said Madesh, the present impugned order was passed. However, the learned counsel appearing for the petitioner did not dispute the fact that the District Collector has power to transfer a Village Secretary from one panchayat to another panchayat.

4. Perusal of the impugned order dated 10.10.2019 reveals that after considering the G.O.No.175 Rural Development and Panchayat (E5) Department dated 05.12.2006 and the letters of the Block Development Officer including the resolution passed by the authorities and after considering the materials elaborately, the District Collector has passed the transfer order.

5.Further, a reading of Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules shows that the transfer of a person holding the post of Panchayat Secretary shall be made only on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned. This is for the purpose of avoiding frequent transfers of the Panchayat Secretaries, since when there is a change in the administration of the panchayat after the completion of the fixed tenure, ordinarily the new President, immediately after taking over the office of Presidentship, tends to disturb the Panchayat Secretary. Therefore, these rules have been rightly brought in. As highlighted above, the rule is clear that no transfer order can be passed without any valid reason and there must be also an enquiry. Further, the transfer has been made only within the block. Hence, the transfer order is in consonance with the G.O.Ms.No.72 Rural Development and Panchayat (E5) Department dated 09.07.2013 and no malafide has been attributed in the said transfer order. Therefore, the transfer order cannot be interfered with in a routine manner under Article 226 of the Constitution of India and this Court is not inclined to entertain the writ petition.

6. With the above observations, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1.The District Collector (PD Section),
Krishnagiri District,
Krishnagiri

2.The Block Development Officer (PD Section),
(Special Officer) Village Panchayat,
Hosur Panchayat Union, Krishnagiri District,
Krishnagiri.

+1 CC to Mr.M.P. Saravanan, Advocate sr 87881

+1 CC to Mr.K. Govi Ganesan, Advocate sr 87899

+1 CC to The Govt. Pleader sr 88242.

W.P.No.30023 of 2019

MR(CO)
SP(27/11/2019)



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