

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.32500 of 2019
and
W.M.P.No.32831 of 2019

R.Vajravel

... Petitioner

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The Block Development Officer,
(Village Panchayat),
Alangayam Panchayat Union,
Vaniambadi Taluk,
Vellore District.

3.M.Jeevajyothi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari or any other appropriate writ in the nature of writ or direction, calling for the records relating to the orders passed by the first respondent in Na.Ka.PC1/11882/2019 dated 15.11.2019 and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondent - 1 : Mr.R.Selvam
Government Advocate

For Respondent - 2 : M.Jothi Kumar

O R D E R

This Writ Petition is filed for the issuance of Writ of Certiorari or any other appropriate writ in the nature of writ or direction, calling for the records relating to the orders passed by the first respondent in Na.Ka.PC1/11882/2019 dated 15.11.2019 and quash the same.

2. According to the petitioner, he was appointed as Panchayat Assistant on 07.04.2000 of Negnamalai Village Panchayat and on 28.02.2019 he was transferred to Narasingapuram Village Panchayat of the same union. While so, he was again transferred to Eklasapuram Village Panchayat of Natrampalli Panchayat Union by the impugned transfer order. According to him, this transfer was only at the instance of the third respondent. Though the third respondent was placed under suspension on several occasion and disciplinary proceedings were pending against her however, in order to accommodate the third respondent, the petitioner has been transferred contrary to the subject rules and G.O.Ms.72 Rural Development and Panchayatraj Department dated 09.07.2013. Aggrieved by the impugned transfer order, the petitioner has come forward with the present Writ Petition.

3. Learned counsel for the petitioner would submit that though in the impugned transfer order it has been stated that it was on the administrative grounds but in order to accommodate the third respondent, the impugned transfer order has been passed. Learned counsel also pointed out that the transfer order is contrary to subject rules and since before effecting the transfer, the consent of concerned executive authority has not been obtained. Therefore, he seeks intervention of this Court to set aside the impugned transfer order.

4. In order to know the factual aspects relying to the transfer of the petitioner, this Court summons the relevant records from the authority and on pursuant to the same, it reveals that one Jeevajyothi who is the third respondent herein has made request for transfer to Natrampalli Panchayat Union where the petitioner was working and residing with his family and children and in order to accommodate her, the transfer order was passed. However, this Court does not find that the transfer order has not been passed contrary to the subject rules.

5. This Court does not find any infirmity or irregularities in the order of transfer passed against the petitioner. In fact, transfer is an incidence in the service career of the Government employee and he cannot insist to retain in the place which he decides while his transfer was purely on administrative grounds. Therefore, this Court does not find any merits in the Writ Petition to entertain the same.

6. Accordingly, the Writ Petition fails and the same is dismissed. However, the petitioner is at liberty to make representation after a period of six months seeking for re-transfer to the respondents and if any such representation is being made by the petitioner, the respondents are directed to consider the same, in accordance with law, on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

bkn

To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Block Development Officer,
(Village Panchayat),
Alangayam Panchayat Union,
Vaniambadi Taluk,
Vellore District.

+1cc to Mr.S.Kamadevan, Advocate, SR.No.97260.

W.P.No.32500 of 2019
and

W.M.P.No.32831 of 2019

PPA(CO)
CSR: 07.02.2020

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