



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33584 and WMP No.34039 of 2019

Radhakrishnan

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Salem District,
Salem.
2. The Executive Officer,
Kolathur Special Grade Town Panchayat,
Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in Na.Ka.No.7939 / 2019/Pe2 dated 06.11.2019 consequential the order passed by the 2nd respondent Town Panchayat in Proceedings in Na.Ka.No.379 of 2019 dated 08.11.2019 and quash the same and direct the 2nd respondent to implement the order of the 1st respondent in proceedings in Na.Ka.No.152/2017/Pe3 dated 18.05.2017 and direct the 2nd respondent to promote the petitioner as sanitary supervisor in the 2nd respondent Town Panchayat.

For Petitioner : Mr.M. Senthil Kumar

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

The present writ petition has been filed challenging the transfer order passed by the 2nd respondent, transferring the petitioner to P N Patti Panchayat.

2. The petitioner was working as a sweeper in the Kolathur Special Grade Town Panchayat from the year 2007 onwards. The present transfer order which is now challenged in this writ petition has been passed transferring the petitioner to PN Patti Panchayat on administrative grounds.



3. The grievance expressed by the petitioner is that the seniority of the petitioner will be affected and that the petitioner has some difficulties in managing his family. Therefore, the petitioner has made a representation to the 1st respondent on 12.11.2019 expressing the difficulties faced by him due to the transfer.

4. The learned counsel for the petitioner submitted that the petitioner will lose his seniority, if he is transferred to P N Patti Panchayat and the petitioner will have to take care of his family and he will be facing untold hardship in doing so.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the transfer order was passed purely on administrative grounds and the petitioner will have to move to the transferred P N Patti, Panchayat. If there are any difficulties for the petitioner, he can make his representation and the same will be considered.

6. This Court does not find any ground to interfere with the transfer order passed by the 1st respondent. The transfer is an incidence of service and when it is passed on administrative grounds, this Court has very limited jurisdiction to interfere with the same. Considering the nature of work done by the petitioner, the Panchayat will have to utilize the work of the sweeper in various panchayats to carry out the work. The same cannot be interfered with by this Court.

7. In the result, this writ petition is disposed of with a direction to the 2nd respondent to consider the representation made by the petitioner on 12.11.2019 and deal with the same in accordance with law and dispose of the same, within a period of six weeks from the date of receipt of copy of this order. It is made clear that the representation will be considered by the 2nd respondent only after the petitioner joins P.N.Patti Panchayat and reports for duty. If the petitioner fails to join, the 2nd respondent need not consider the representation made by the petitioner. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

rka



To

1. The District Collector,
O/o.The District Collector,
Salem District,
Salem.

2. The Executive Officer,
Kolathur Special Grade Town Panchayat,
Salem District.

+1cc to Mr.M.Senthil Kumar, Advocate, SR.No.100215.

+1cc to Ms.K.Bhuvaneshwari, Advocate, SR.No.100589.

+1cc to Government Pleader, SR.No.100716.

W.P.No.33584 and WMP No.34039 of 2019

KK (CO)
CSR(06/01/2020)