



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.6836 of 2010
and
M.P.(MD) No.2 of 2010

M.Boominathan

... Petitioner

vs.

1.The Inspector of Panchayats
District Collector
Sivagangai District

2.The Block Development Officer
Kalayarkoil Panchayat Union
Sivagangai District

3.The President
Marakkathur Village Panchayat
Kalayarkoil Panchayat Union
Sivagangai District

4.R.Chandrasekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records relating to the impugned order passed by the second respondent vide Na.Ka.P3/1629/10 dated 07.05.2010.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.D.Muruganandham
Additional Government Pleader for R1 to R3

Mr.K.Appadurai for R4

ORDER

The order of transfer, dated 07.05.2010, issued by the second respondent, transferring the writ petitioner from Aerivayal Panchayat to Marakkathur Panchayat, is under challenge in the present writ petition.



2. The impugned order of transfer was issued in the year 2010. This apart, the transfer of the writ petitioner was within the same Taluk. This being the factum, at this length of time, this Court cannot consider the grounds raised in the present writ petition.

3. Transfer is an incidental to service, moreso, a condition of service. The writ petitioner was transferred to a nearby place on administrative grounds. Such administrative grounds cannot be interfered with by the Courts in a routine manner. This apart, nine years lapsed from the date of passing of the impugned order in proceedings, dated 07.05.2010. Under these circumstances, this Court is of the considered opinion that the writ petitioner cannot claim a particular Station for many years. This apart, a public servant has to work wherever he is posted. An order of transfer can be challenged on certain limited grounds. In the present case, though the writ petition was filed in the year 2010, the learned counsel for the writ petitioner is also unable to ascertain whether the writ petitioner is continuing in the same station or transferred to some other station. This being the factum, no useful purpose would be served by keeping the writ petition pending for an unspecified period. In the event of any other grievance exists to the writ petitioner, it is left open to him to approach the competent authority for redressal. As far as the impugned order of transfer is concerned, the same was issued in the year 2010 on administrative grounds and no relief can be granted as such sought for in the present writ petition.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Inspector of Panchayats,
District Collector,
Sivagangai District.
- 2.The Block Development Officer,
Kalayarkoil Panchayat Union,
Sivagangai District.



3.The President,
Marakkathur Village Panchayat,
Kalayarkoil Panchayat Union,
Sivagangai District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-84283[F] dated
29/08/2019)

W.P. (MD) No.6836 of 2010
and
M.P. (MD) No.2 of 2010
27.08.2019

krk

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