

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.625 of 2020

1. The District Collector,
Salem,
Salem District.
2. The Block Development Officer (Village Panchayat),
Attur,
Salem District-636 102.
3. The Block Development Officer (Block Panchayat),
Attur,
Salem District - 636 102. ... Appellants/Respondents

Vs

S.Sannasi ... Respondent/Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 25.07.2019 passed in W.P.No.8444 of 2019.

W.P.No.8444 of 2019:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari calling for the records of the 3rd Respondent in Proceeding No. Na.Ka. No.163/2019/Thi2 dated 01.03.2019 and quash the same.

For Appellants

: Mr.V.Jayaprakash Narayanan
State Government Pleader

For Respondent

: Mr.Kandhan Duraisami

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The limited argument made by learned Government Pleader is that even if reasons were not contained in the transfer order, in terms of Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 (for brevity,

"the 2013 Rules"), the authority competent viz., the Block Development Officer, can pass an order in the event there are compelling reasons for such transfer.

2. Having perused the same, we find that the said Rule has been taken into consideration by a Division Bench of this Court in case of J.Jayachandran v. The Block Development Officer (Village Panchayats) Kattankolathur Block Kancheepuram District, W.A.No.3869 of 2019, decided on 27.11.2019 and we, therefore, dispose of this appeal, upholding the order of the learned Single Judge, but at the same time, modifying it to the extent that it shall be open to the competent authority to pass a fresh order in case any reason is available in terms of Rule 11 of the 2013 Rules. No costs. Consequently, C.M.P.No.8693 of 2020 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bbr
To

- 1.The District Collector,
Salem, Salem District.
- 2.The Block Development Officer (Village Panchayat),
Attur, Salem District-636 102.
- 3.The Block Development Officer (Block Panchayat),
Attur, Salem District - 636 102.

सत्यमेव जयते

W.A.No.625 of 2020

RSK(CO)
SP(31/08/2020)

WEB COPY