



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2020

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.7866 of 2020

and WMP.9274 of 2020

K.Janaki

... Petitioner

Vs.

1. The District Collector
Cuddalore District
Cuddalore.
2. The Assistant Director
Village Panchayat
Cuddalore
3. The Assistant Director
Village Panchayat
Virudhachalam
4. The Block Development Officer
Nallur
Cuddalore District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records pertaining to impugned order passed by the 4th respondent in proceedings No.Na.Ka.No.Aa1/1537/2019 dated 16.03.2020 and quash the same as illegal, arbitrary and violative of audi alteram partem and Article 14, 15, 16, 17 and 21 of Constitution of India.

For Petitioner : Mr.K.Anbuselvan

For Respondents : Mr.S.Thangavel
Spl.G.P., for R1 to R4.



ORDER

The petitioner was working as Secretary of Kilimangalam Panchayat, having been appointed vide order dated 28.11.2019 by the 4th respondent. According to her, she immediately took charge of the post of Secretary of the said Panchayat Office. The petitioner belongs to Scheduled Caste Community.

2. The grievance of the petitioner is that there was a difference of opinion between her and the Panchayat President in regard to certain issues which resulted in she being transferred, by order dated 16.03.2020 which is the subject matter of challenge in the present writ petition.

3. According to her, the transfer order is not for administrative requirement but was issued on malafide consideration. The petitioner has also pleaded that the transfer order is in violation of Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.

4. The learned counsel appearing for the petitioner would submit that the transfer order is liable to be interfered with for the above stated reasons.

5. This court has gone through the affidavit in its entirety and found that there was no sustainable ground made out by the petitioner for this court to intervene in this matter, except stating that the transfer was in violation of the Rules governing the post in which the petitioner was employed and nothing has been specifically stated as to how the present order was in violation of the Rules.

6. Moreover, except certain bald allegations made against President of the Panchayat, no specific plea has been taken in order to sustain the plea of malafide, for this court to seriously consider the submission. Merely on the basis of certain bald allegations, this court cannot interfere in the orders of transfer. It is trite in law that the orders of transfer can be interfered only on two substantial grounds, one, which is in violation of any statutory regulations and the



other, the transfer is tainted with malafides. Both the grounds did not exist in the present case. Therefore, as nothing could be even remotely inferred from the affidavit filed in support of the writ petition, the writ petition is devoid of merits and substance.

7. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The District Collector
Cuddalore District
Cuddalore.
2. The Assistant Director
Village Panchayat
Cuddalore
3. The Assistant Director
Village Panchayat
Virudhachalam
4. The Block Development Officer
Nallur
Cuddalore District

W.P.7866 of 2020

SR(CO)
KKV/08/07/2020