

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 21.08.2020

Pronounced on : 01.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP Nos.9592 and 9593 of 2020
and WMP Nos.11712, 11714, 11716 & 11717 of 2020

WP No.9592 of 2020

M.Sukumar

.. Petitioner

.Vs.

1. The State of Tamil Nadu rep. By its Secretary to Government, Revenue Disaster Management (DM-II) Department, Fort St. George, Chennai - 600 009.
2. The District Collector, Krishnagiri District, Krishnagiri.
3. The District Revenue Officer, Krishnagiri.
4. Thiru Prabakaran, Senior Revenue Inspector, Taluk Office, Pochamballi, Krishnagiri District.
5. Sathyavani, Senior Revenue Inspector, Forest Settlement Office, Krishnagiri.

.. Respondents

[R5 impleaded vide order dated 06.08.2020 made in WMP No.12114/2020 in WP No.9592 of 2020 by VPNJ]

WP No.9593 of 2020

K.B.Bhasavaraj

... Petitioner

.Vs.

1. The State of Tamil Nadu rep. By its Secretary to Government, Revenue Disaster Management (DM-II) Department, Fort St. George, Chennai - 600 009.

2. The District Collector,
Krishnagiri District, Krishnagiri.

3. The District Revenue Officer,
Krishnagiri.

4. Thirumathi Kalpana
Senior Revenue Inspector,
Taluk Office, Uthangarai,
Krishnagiri District.

5. Thiru. Kamalanathan,
Senior Revenue Inspector,
Q Division, District Collector's Office,
Krishnagiri.

... Respondents

[R5 impleaded vide order dated 06.08.2020 made in WMP
No.12116/2020 in WP No.9593 of 2020 by VPNJ]

COMMON PRAYER: These Writ Petitions are filed under Article 226
of the Constitution of India, praying for issuance of a Writ of
Certiorari, calling for the records relating to the proceedings
dated 08.07.2020 in Na.Ka.No.853/2020/A2 of the 3rd respondent
herein and quash the same.

For Petitioners : Mrs.AL.Ganthimathi
in both WPs.

For Respondents : Ms.Narmada Sampath,
Additional Advocate General

Assisted by Mr.Dig Vijay Pandian,
AGP (in WP No.9592/20)

Assisted by Mr.P.V.Selvakumar
AGP (in WP No.9593/20)

C O M M O N O R D E R

The matter is taken up today, through web hearing. As facts
pleaded and the submissions made are one and the same, both the
writ petitions are taken up together and disposed of by a common
order.

2. The writ petitions have been filed seeking for the
following prayer:

"for issuance of a Writ of Certiorari, calling
for the records relating to the proceedings dated
08.07.2020 in Na.Ka.No.853/2020/A2 of the 3rd

respondent herein and quash the same."

3. The petitioner in WP No.9592 of 2020, was appointed as a Typist in the Revenue Department and was working under the control of the 2nd respondent. He was originally appointed in 2009 and presently working as a Senior Revenue Inspector, Taluk Office, Anjetti, Krishnagiri District.

4. Similarly, the petitioner in WP No.9593 of 2020, was appointed as a Junior Assistant in the Revenue Department and was working under the control of the 2nd respondent. He was originally appointed in 2011 and presently working as a Senior Revenue Inspector, Taluk Office, Denkanikottai, Krishnagiri District.

5. The grievance of the petitioners is that, vide order dated 08.07.2020, they were transferred within Krishnagiri District i.e. Anjetti to Pochampalli Taluk and Denkanikottai to Uthangarai Taluk, respectively.

6. The transfer order is put to challenge stating that there was no administrative requirement at all and nothing was spelt out in the transfer order and hence transfer order is liable to be interfered with. Moreover it is also averred that the place to which the petitioners are transferred, is quite far away, though it is within the same District and there was a risk of contracting Covid-19 in the present circumstances endangering the health of the petitioners and their family.

7. The 5th respondent in the respective writ petitions, is posted in the place of the petitioners.

8. Notice was issued in the writ petitions and Mr.Dig Vijay Pandian and Mr.P.V.Selvakumar, learned Additional Government Pleaders have entered appearance on behalf of the respondents and separate counter affidavits have been filed in each of the writ petitions.

9. In the counter affidavits, it is averred that the writ petitioners were working in Hosur Division for the past 10 years and the transfer is only within the Krishnagiri District and not outside the District. It is also averred in the counter affidavits that in view of the Covid-19 situation the government was constrained to work with only 50% of the staff and in order to carry out the administration effectively, certain transfers have become inevitable.

10. The grievance expressed by the petitioners that they were posted to man a check post was specifically denied in the counter affidavits stating that petitioners were posted only to

Taluk office, Pochampalli and Uthangarai, respectively. In fact, it is also averred that the petitioners were transferred to the Taluk having a light job. Ms.Narmatha Sampath, the learned Additional Advocate General who appeared on behalf of the respondents would submit that the impugned transfer orders were issued only for a bonafide consideration, taking into account the administrative requirement. In fact, she would submit that the transfer orders have been given effect to for all purposes.

11. The learned Additional Advocate General would also refer to the grounds on which the transfer orders were challenged. According to the learned Additional Advocate General, none of the grounds would merit for interference by this Court. According to the counsel, no malafide is attributed nor violation of rules were indicated in the affidavits. Except citing the personal reasons, nothing has been pleaded compelling this Court to interfere with the routine orders of transfer. She would therefore pray for dismissal of the writ petitions, as being without merits.

12. This Court considered the submissions, perused the materials and the pleadings placed on record.

13. This Court finds some force in the contention of the learned Additional Advocate General Ms.Narmadha Sampath. The grounds as raised in the writ petitions hardly merit any serious consideration from this Court to intervene in favour of the petitioners. Moreover, the fact of the matter is that the petitioners have been posted only within the District and the grievance of the petitioners with regard to the distance of the transferred place cannot by itself be the basis for interfering with the orders of transfer.

14. Unless the orders are passed with malafide consideration or against established principles governing the transfer and followed by the department consistently, the orders of transfer cannot be interfered as a matter of course. The individual suffering highlighted by the petitioners cannot be persuading factors for this Court to pass orders in favour of the petitioners. However, the Court finds that the 3rd respondent appears to have been upset that the petitioners have not sent any representations to him expressing their personal difficulties for consideration, before moving this Court. This is stated in more than one place in the counter affidavits.

15. Considering the above fact, this Court gives liberty to these petitioners to approach the 3rd respondent who passed the order of transfer, seeking his indulgence for reconsideration of his action impugned in the writ petitions, if the petitioners

are so advised. Any representations so made by the petitioners for reconsideration of the impugned transfer orders, the same may be considered by the 3rd respondent sympathetically and orders be passed.

16. However, as far as the present writ petitions are concerned, the same are without any merits and substance and hence, both the writ petitions stand dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu rep. By its
Revenue Disaster Management (DM-II) Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Krishnagiri District, Krishnagiri.
3. The District Revenue Officer,
Krishnagiri.

+1cc to Mrs.AL.Ganthimathi, Advocate, Sr.No.28443
+1cc to the Government Pleader Sr.No.28664

Pre-delivery common order in
WP Nos.9592 and 9593 of 2020

rsv (co)
rr ii (14/09/2020)

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