

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.12181 of 2020
and WMP No.14919 of 2020

S.John

... Petitioner

Vs

1. The District Collector,
The Office of the District Collector,
Erode District.

2. The Revenue Divisional Officer,
The Office of the Revenue Divisional Officer,
Erode.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from conducting any general Counselling in Mid year without following the guidelines as prescribed in G.O.Ms.No.515/2008 (Revenue Department) dated 25.8.2008 and for any other relief or reliefs that may be appropriate in the present circumstances of the cases.

For Petitioner : Mr.L.Chandra Kumar
for Mr.V.P.K.Gowtham

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader.

O R D E R

This matter is taken up today, through Web hearing.

2. The writ petition is filed by the petitioner, who is working as a Village Administrative Officer (VAO) in Erode District. According to the petitioner, the Government have formulated guidelines insofar as the General transfer of VAOs in 2008 vide G.O.Ms.No.515, Revenue (Service-7(1)) Department dated 25.08.2008. Through the said Government order, guidelines have been laid down for general transfer on administrative grounds. Further, the Government also issued orders relating to general

transfer during the month of July every year and also fixation of seniority etc.

3. The petitioner has stated in the affidavit that this Court in WP No.29892 of 2019 dated 21.10.2019, held that counselling for general transfer, shall be made in adherence to G.O.Ms.No.515 of 2008 dated 25.08.2008. However, without following the direction passed by this Court and in compliance with the said Government Order, the respondents are going ahead with the general transfer. According to the petitioner, the present move proceeding with the general transfer, is in contravention of G.O.Ms.No.515 of 2008 dated 25.08.2008 and also the direction passed by this Court in WP No.238/18.

4. The learned counsel Mr.L.Chandra Kumar, appearing for the petitioner would submit that the petitioner is the office bearer of the Village Administrative Officers Association and as such, he is aggrieved by the arbitrary action of the respondents in effecting general transfer without following the guidelines.

5. According to the learned counsel, petitioner is apprehending irregularities in the transfer order and it is not open to the respondents to have general transfer, at this juncture. Therefore, petitioner is before this Court, seeking to prevent the respondents from conducting any general counselling without preparation of any seniority at the Divisional level in terms of G.O.Ms.No.515 of 2008 dated 25.08.2008.

6. The learned counsel would also submit that if the present exercise is to be proceeded with, the members of the association would be put to great hardship and there would be an infringement of their right to have a fair general counselling. Therefore, the learned counsel would submit that the respondents be injuncted from proceeding with the present general counselling for transfer, in the category of Village Administrative Officers.

7. This Court is not convinced at all that the petitioner can be granted any relief in the nature as what is prayed for in the writ petition. A solitary Village Administrative Officer, cannot seek to injunct the entire State administration from conducting general counselling for transfer of the Village Administrative Officer, as the so called proposed conduct of the general counselling, if it is injuncted from being convened, would affect scores of Village Administrative Officers, who are awaiting to avail the opportunity for transfer to place of their choice, through the counselling process.

8. This Court cannot simply accept the plea of one petitioner and prevent the general counselling from being convened in order to protect his interest. Though the learned counsel while making oral submission indicated that the Association was actually felt aggrieved by the present action, the Association is not the petitioner in this writ petition. The writ petition is by an individual, who cannot seek to stall the general counselling for transfer.

9. According to this Court, the writ petition is bereft of any merit based upon which this Court can intervene at this stage. Moreover, this Court finds that the averments as contained in the writ affidavit are not worthy enough to consider the claim of the petitioner and grant interim injunction or the main prayer of granting of writ of mandamus as that would affect the larger interest of the administration, at the instance of one individual's personal grievance.

10. For the above said reason, this Court does not find any substance or merits in the writ petition and hence, dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
The Office of the District Collector, Erode District.
2. The Revenue Divisional Officer,
The Office of the Revenue Divisional Officer,
Erode.

+1cc to the Government Pleader Sr.29512

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srg 09/10/2020