

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR JUSTICE V. PARTHIBAN

W.P.Nos.12441, 12443, 12444, 12447, 12448 & 12449 of 2020
&
W.M.P.Nos.15349, 15351, 15353, 15355, 15357 & 15358 of 2020

S.Fameeda ... Petitioner in W.P.No.12441 of 2020
R.Thirunavukarasu ... Petitioner in W.P.No.12443 of 2020
K.Jayasankar ... Petitioner in W.P.No.12444 of 2020
S.Babu ... Petitioner in W.P.No.12447 of 2020
P.Sudha ... Petitioner in W.P.No.12448 of 2020
P.Meenakumari ... Petitioner in W.P.No.12449 of 2020

Vs.

- 1.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maaligai Building,
Saidapet, Chennai - 600 015.
 - 2.The District Collector,
Vellore District.
 - 3.The District Collector,
Tirupattur District,
Tirupattur.
 - 4.The District Collector,
Ranipet District,
Ranipet.
- ...Respondents in all Wps

Prayer in all Wps:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the 4th respondent in proceeding Na Ka No.PA2/4737,4738/2020-2 respectively dated 06.07.2020 and 2nd respondent in proceeding Na Ka No.PB1/10734/2019 dated 15.06.2020 and quash the same in so far as the petitioner is concerned and to direct the respondents herein to retain the petitioner in the same post and District (Vellore District).

For Petitioner : Mr.R.Siddharth

For Respondents : Mr.V.Kathirvelu
Special Government Pleader
..in all WPs.

COMMON ORDER

These writ petitions have been filed by the Assistants working in the composite Vellore District before its trifurcation in 2019. When the trifurcation took place, the employees serving in erstwhile Vellore District were directed to give their willingness and the various employees including the petitioners herein had given their options to be retained in the original Vellore District, despite after trifurcation of the District as Ranipet and Thirupattur Districts. These petitioners have given their options choosing Vellore District as their first preference followed by Ranipet District and Tirupattur Districts.

2.The grievances of these petitioners herein are that these petitioners have been transferred out to other two Districts by the impugned transfer orders and as per their options they were not retained in Vellore District. Challenging the transfer orders, these writ petitions have been filed.

3.Notice was ordered in the writ petitions and in response to the same Mr.V.Kathirvelu, learned Special Government entered appearance.

4.The learned counsel for the petitioner would submit that juniors' to the petitioners have been accommodated in the same station and shunting these petitioners out of the District would per se amount to discrimination and arbitrariness. The learned counsel would further submit that in similar circumstances, this Court has directed the District Collector, Vellore District to reconsider the transfer of some employees and on such reconsideration, they were accommodated in the Vellore District itself. Therefore, learned counsel would submit that similar direction may be issued for reconsideration of the impugned transfer orders in these cases as well.

5.Per contra, the learned Special Government Pleader appearing for the respondents would submit that in the counter affidavit filed on behalf of the second respondent/District Collector, Vellore District, it has been clearly mentioned that the number of posts sanctioned in the category of Assistants in

respect of Vellore, Ranipet and Tirupattur Districts after trifurcation and it is further stated that the vacancies of posts earmarked to these Districts need to be shared proportionately in order to have smooth transition and conduct of the business of all the three Districts.

6. The learned Special Government Pleader would submit that even in regard to the merits, a tabular column has been shown in the counter affidavit stating that these petitioners have been juniors to the persons who have been retained in Vellore District and all the juniors to the petitioners herein have been posted to the other two newly formed Districts. The tabular column in the counter affidavit has clearly shown the Seniority Number, Seniority Rank and the posting of the Assistants. The learned Special Government Pleader would therefore submit that the petitioners' services were required in other newly formed Districts for the effective District administration and since the trifurcated Districts do form part of the erstwhile Vellore District, there cannot be any grave hardship or suffering to the petitioner in the transferred places.

7. The learned counsel for the petitioner however would still submit that a direction may be issued to the second respondent to reconsider his decision, which this Court felt that such request was untenable and cannot be entertained, in view of the clear stand taken by the second respondent in the counter affidavit and also verbal submission made on behalf of the second respondent by the learned Special Government Pleader.

8. In similar circumstances, after taking note of the proportionate vacancy positions being maintained in all the three Districts, this Court has dismissed writ petitions in W.P.Nos.10975 & 10314 of 2020 dated 16.09.2020. In those writ petitions also similar prayer was asked for on behalf of the petitioners and similar counter affidavits were filed highlighting the vacancy position and the seniority and on acceptance of valid objections from the District Collector, Vellore District, those writ petitions were rightly dismissed by this Court.

9. As regards the submission of the learned counsel for the petitioner regarding the direction issued in the other batch of writ petitions i.e., in W.P.Nos.9454, 9459, 9460, 9462 & 9463 of 2020 dated 22.07.2020, the said direction was issued on the basis of the submission made on behalf of the second respondent / District Collector, Vellore District that he was willing to reconsider if any direction is issued by this Court in the matter. However, while giving a direction this Court had not decided the legality of the transfer orders but merely

directed the Collector to reconsider the transfer of those petitioners afresh, such direction cannot have binding force on this Court.

10.On the other hand, in identical circumstances, referring to similar objections raised on behalf of the District Collector, Vellore District, writ petitions in W.P.Nos.10975 & 10314 of 2020 came to be dismissed vide order of this Court dated 16.09.2020 and in that view of the matter, these writ petitions are also liable to be dismissed.

11.Therefore, these writ petitions stand dismissed as being devoid of merits and substance. No costs. Consequently, the connected miscellaneous petitions stand closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maaligai Building,
Saidapet, Chennai - 600 015.

2.The District Collector,
Vellore District.

3.The District Collector,
Tirupattur District,
Tirupattur.

4.The District Collector,
Ranipet District,
Ranipet.

+6cc to Mr.R.Siddharth, Advocate Sr.32771 to 32776
+1cc to the Government Pleader Sr.32891

W.P.No.12441, 12443, 12444, 12447, 12448 & 12449 of 2020

jp[col]
srg 09/12/2020