

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WP NO.13016 OF 2020

AND

WMP NO.16125 &16127 OF 2020

A.Palanivel

.. 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 Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in Na.Ka.2838/2020/A2, dated 31.08.2020, quash the same as illegal incompetent and further direct the respondents to conduct general counselling only after preparation of the seniority list in the Divisional level as prescribed in G.O.Ms.No.515 of 2008 (Revenue Department) dated 25.08.2008.

For Petitioner : Mr.V.Lakshmi Narayanan for
M/s.Kingsly Solomon

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

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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. According to the petitioner, he is working as a Village Administrative Officer in Erode District. The Government of Tamil Nadu has issued G.O.Ms.No.515 Revenue Department, dated 25.08.2008 formulating certain guidelines to be followed by the authority in the matter of general transfers of the Village Administrative Officers. However, since the authorities have not followed the guidelines, one Thiru S.John filed a writ petition in W.P.No.29892 of 2019 before this Court and by order dated 21.01.2019, this Court, while disposing of the said Writ Petition, directed the respondents to conduct the counselling for general transfer by strictly adhering to the guidelines issued by the Government vide G.O.Ms.No.515 dated 25.08.2008. Now the grievance of the petitioner is that 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 2nd respondent declared the taluk level seniority list dated 31.08.2020 which was prepared by the Tahsildar, Erode and communicated that the general transfer will be done based on the taluk level seniority list. 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 W.P. No.29892 of 2019. Hence, the petitioner is before this Court.

4. Mr.Kingsly Solomon, learned counsel appearing for the petitioner would submit that the 2nd respondent ought to have prepared the divisional seniority list for effecting the general transfers, but prepared the seniority list only in taluk level and based on that, the respondents are resorting to the general transfers which is contrary to the guidelines prescribed in G.O.Ms.No.515 dated 25.08.2008 and also the direction passed by this Court in W.P. No.29892 of 2019.

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 quash the proceedings of the 2nd respondent dated 31.08.2020 and also 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. The learned counsel would also submit that if the

present exercise is to be proceeded with, the petitioner would be put to great hardship and there would be an infringement of his 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 and prayed to quash the seniority list dated 31.08.2020.

6. 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 either to quash the impugned proceedings or 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.

7. 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 the relief as prayed in the Writ Petition as that would affect the larger interest of the administration, at the instance of one individual's personal grievance. Moreover, in an identical challenge by another V.A.O.in WP.No.12181 of 2020, this Court considered the same objections but dismissed the Writ Petition vide order dated 08.09.2020. Therefore, this Writ Petition is also liable to meet the same fate.

8. 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.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

suk/dn

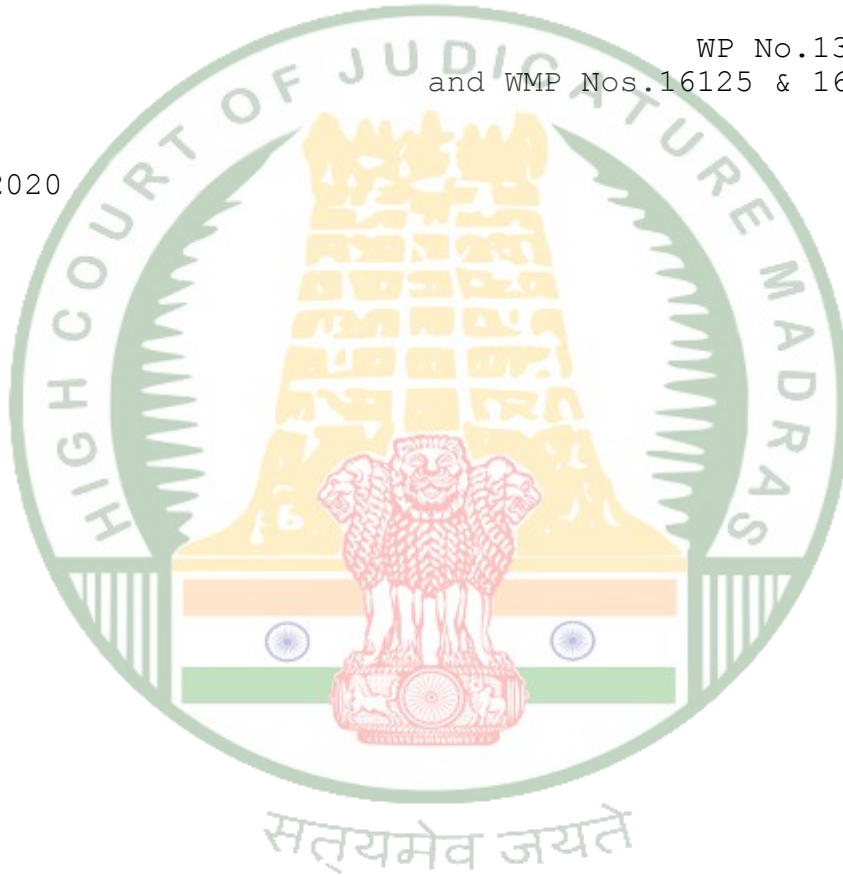
To

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.

+lcc to M/s.Kingsly Solomon, Advocate, S.R.No.30176
+lcc to the Government Pleader, S.R.No.30415

WP No.13016 of 2020
and WMP Nos.16125 & 16127 of 2020

CA (CO)
CS/30/11/2020



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