



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7968 of 2020

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Vasu

...Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
R.S.Mangalam Panchayat Union,
Ramanathapuram District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to transfer the petitioner from Odaikal Village Panchayat to Radhanoor Village Panchayat, R.S.Mangalam Union, Ramanathapuram District by considering the petitioner's representation dated 19.06.2020.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.A.Thiyagarajan,
Government Advocate

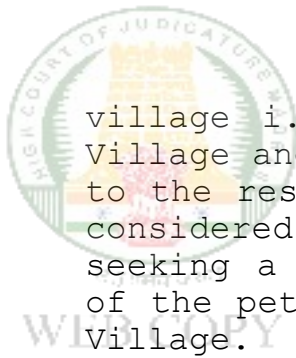
ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to transfer the petitioner from Odaikal Village Panchayat to Radhanoor Village Panchayat, R.S.Mangalam Union, Ramanathapuram District by considering the petitioner's representation dated 19.06.2020.

2. Heard Mr.K.Navaneetharaja, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that, the petitioner was originally appointed at Radhanoor Village as Village Assistant as he belongs to the same village. In other words, it is his own village, where he was originally appointed and subsequently, due to some disciplinary proceedings, he has been transferred to the present Village i.e., Odaikal Village. It is to be noted that Radhanoor Village as well as Odaikal Village Panchayat are in the same block i.e., R.S.Mangalam Block in Ramanathapuram District and admittedly, the distance between these two village is only 10 kms.

4. However, it is the plea of the petitioner that the petitioner again requested for re-transfer him from the present



village i.e., Odaikal Village to his own village i.e., Radhanoor Village and therefore, in this regard, he has given a representation to the respondents and therefore, the said representation has to be considered. Hence, the present Writ of Mandamus has been filed seeking a direction from this Court to consider the representation of the petitioner for re-transfer from Odaikal Village to Radhanoor Village.

5. On hearing the learned counsel appearing for the petitioner and after having perused the materials placed before this Court, I am of the considered view that this kind of mandamus cannot be issued because, the petitioner has no vested right or a statutory right or a fundamental right to seek re-transfer to his own place. No specific reason whatsoever on medical ground or otherwise has been given by the petitioner for such plea of transfer to his own place.

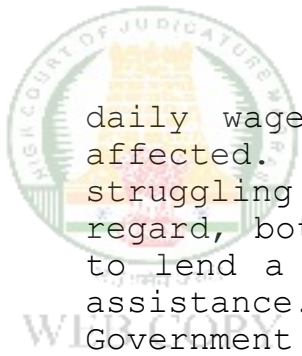
6. There is no practical difficulty expressed by the petitioner through his counsel that, because he is working at Odaikal village he is suffering from anything.

7. The only reason cited by the learned counsel for the petitioner is that, the community people, who are predominantly residing at Odaikal Village, are often threatening the petitioner and that is the only reason he wants transfer to his own place. However, the petitioner has not made any complaint on the alleged threat from the community people, no document to that effect is filed before this Court. In this regard, it is to be noted that, if that reason is true and is accepted, no Government servant can enter into any village in Tamil Nadu, where the other community people are predominantly residing.

8. If at all the petitioner is a Village Assistant or Secretary working in Odaikal Village Panchayat, he should work on to fulfill the need of the village people in that Village by his hard work and earn reputation and goodwill among various community people residing in that village. However, now-a-days the approach of the Government servant like the petitioner is that he should be given employment opportunity at his doorstep. If every Government servant seeks or raise such a plea that he should be given a job in the Government only at his native place, especially, at his native Village or Town or very next or near to his own residence, then the Government machinery cannot function and the administration will become standstill.

9. The officials, officers, employees (including myself) working in various departments of the Government or in organised sector in the State, are getting respectable salary and other benefits being provided as fixed and announced by the Government from time to time. For instance, even during COVID-19 period, they are enjoying the life without any struggle to earn. During COVID-19

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daily wagers and other un-organised sector people are the worst affected. The daily wagers or un-organised sector people are struggling to make both ends meet during COVID-19 and in this regard, both Central and State Government have already come forward to lend a helping hand by various measures of financial and other assistance. However, such ordeal is not underwent by the Government Servant like the petitioner as the Government is not reducing a single piase from any Government servant's salary during COVID-19 period. When that being so, the Government servant must come forward in the frontline to shoulder the responsibility of the Government and the entire society, not only in the field of fighting against the COVID-19 but also to fight against Social Evils, rescue and relief operations during natural calamities, and also during normal times they are expected to do all other regular activities towards the development of the society as that is the prime task of Government servants which are all the sovereign functions of any State.

10. Therefore, the Government Servant must have in mind that, while thinking about themselves, their family, kith and kin and relatives, they should also think about the interest of the society at large.

11. In that view of the matter, this Court is of the considered opinion and view that, these kind of requests being made by the litigants/Government servants should not be encouraged and therefore, such kind of plea raised by the Government servants cannot be directed to be considered by issuance of Mandamus by this Court in exercising its power under Article 226 of the Constitution of India. Therefore, this Court is not inclined to accept the prayer sought for by the petitioner as it is thoroughly undeserved to be considered. Accordingly, the writ petition fails and hence it is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
R.S.Mangalam Panchayat Union,
Ramanathapuram District.

Order made in
W.P.(MD)No.7968 of 2020
24.07.2020

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KK(31.07.2020) 4P 3C