



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.18391 of 2014

and

MP (MD) No.1 of 2014

M.Arulbalan

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur District, Thanjavur.

3.The Tahsildar,
Office of the Tahsildar,
Thanjavur, Thanjavur District.

4.The Revenue Inspector,
Pudupattinam Village,
Thanjavur District.

5.The Village Administrative Officer,
79, Pudupattinam Village,
Thanjavur District, Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the third respondent by his proceedings in Na.Ka.No.4025/2012(A5), dated 19.07.2013 and quash the same as illegal and direct the third respondent to permit the petitioner to work under the fifth respondent as per the order of transfer, dated 27.09.2012 in Na.Ka.No.31170/2012/A5.

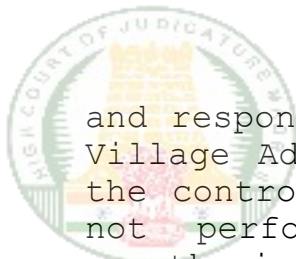
For Petitioner : Mr.A.Arunprasad

For Respondents: Mr.D.Muruganandham
Additional Government Pleader

ORDER

The order, dated 19.07.2013, transferring the writ petitioner to Pudupattinam as Village Administrative Officer. In view of the fact that the petitioner was not performing his duties

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and responsibilities and further interrupted the functioning of the Village Administrative Officer, Pudhupattinam, he was posted under the control of the Revenue Inspector and even in that post, he had not performed his duties and responsibilities. He remind unauthorisedly absent and submitted false informations to the higher authorities. At the outset, the petitioner disobeyed the order of transfer and caused inconvenience to the other officials and provided false informations to the higher authorities.

2.The petitioner remind unauthorisedly absent without joining duty. In other words, he deserted his duty and disciplinary proceedings were initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and a charge memo was issued in proceedings, dated 02.06.2018. The disciplinary proceedings are now pending and the enquiry officer was appointed.

3.In view of the fact that the present writ petition is filed challenging the order of transfer, this Court of an opinion that no consideration is required as the impugned order was passed on 19.07.2013 and seven years lapsed. Transfer is an incidental to service and a condition to service. An employee is bound to work wherever, he is posted in the interests of public at large. An order of transfer can be challenged only on limited grounds. Even as per the Government policy, a Government Servant is eligible to continue in one post for a period of three years and thereafter, the competent authorities are empowered to transfer either on administrative grounds or on the ground of efficient administrative. If at all any, personal grievance exists, the petitioner is at liberty to approach the higher authority and the Courts cannot interfere with the orders of transfer issued on administrative grounds. This being the principle to be followed, the present writ petition deserves no merit consideration and accordingly, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Thanjavur District, Thanjavur.

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Thanjavur District, Thanjavur.

+1 CC to SGP (SR-25122[F] dated 11/12/2020)

W.P. (MD) .No.18391 of 2014

09.12.2020

MJ (CO)

NR (18/12/2020) 3P : 7C