

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.13726 of 2020 and

WMP.Nos.17068 and 17076 of 2020

M.Pazani

... Petitioner

-vs-

- 1.The Director
Rural Development and Panchayat Raj Department
Panagal Maligai
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

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in proceeding No.Na Ka PA1/4732/2020-2 dated 06/07/2020 and 2nd respondent in Proceeding No. Na Ka 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 retransfer the petitioner to Ranipet District.

Petitioner : Mr.M.Ravi

For Respondents : Mr.J.Pothiraj

Special Government Pleader

ORDER

This Writ petition is filed challenging the proceeding of the third respondent in Na Ka. PA1/4732/2020-2 dated 06/07/2020 and 2nd respondent in Proceeding No. Na Ka 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 retransfer the petitioner to Ranipet District.

2. Mr.J.Pothiraj, learned Special Government Pleader takes

notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. The case of the petitioner is that the Second Respondent/District Collector, Vellore has no jurisdiction to transfer the petitioner from Ranipet to Vellore and the third respondent do not have any power to transfer the petitioner from Ranipet District to Thirupattur District. The first respondent is the competent authority to order transfer from one District to the another. When the first respondent has called options on Trifurcation, the petitioner had executed option for Ranipet District, despite available vacancies he had been transferred from Ranipet District to Tirupattur District in order to accommodate fresh promotees, which is not sustainable. He would further submit even as on date the vacancy is available in Ranipet District, but still the petitioner has not been transferred to Ranipet and hence the petitioner has approached this Court seeking for the aforesaid relief.

4. When the matter is taken up for hearing, it is brought to the notice of this Court that in similar circumstances this Court has passed an order in W.P.Nos.10975 and 10314 of 2020, wherein the learned single Judge has observed as follows:

"16. It is trite in law that transfer is an incidence of any Government service and the transfer could be challenged only on limited grounds of violation of any mandatory regulation or passed for any extraneous consideration. In this case, this Court is fully convinced with the transfer orders are effected only for a bonafide consideration and requirement, as clearly explained by the respondents in the counter affidavit and in such circumstances, the petitioners cannot have any legitimate cause for grievance in challenging transfer orders.

17. On the whole, this Court finds that the present challenge by these petitioners has to fail as the challenge is without any substance or merits. Therefore, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

18. However, de hors the dismissal of the writ petition the Authority

concerned is at liberty to consider the representation of the petitioners at a later point of time, after the stated objective is achieved in accommodating the petitioners as per option exercised by them. It is also open to the petitioners to renew their request for such consideration in future. "

5. In view of the similar facts involved in the present case, this Court is inclined to follow the aforesaid order. Hence, this Writ Petition is dismissed in the similar lines. | Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director
Rural Development and Panchayat Raj Department
Panagal Maligai
Saidapet,
Chennai- 600 015.
2. The District Collector
Vellore District.
3. The District Collector
Tirupattur District
Tirupattur.
4. The District Collector
Ranipet District,
Ranipet.

+1 cc to Government Pleader, SR.No.17600

AKII (CO)
NS(10/05/2021)

W.P.No.13726 of 2020