



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Thursday, the Ninth day of December Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE V.PARTHIBAN

WMP No.20784 of 2021

in WP.No.18048 of 2021

1 GOVERNMENT OF TAMIL NADU [PETITIONERS]
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
RURAL WELFARE AND PANCHAYATS DEPARTMENT,
SECRETARIAT, CHENNAI 09

2 THE DIRECTOR,
RURAL DEVELOPMENT AND PANCHAYAT RAJ
DEPARTMENT, PANAGAL BUILDING,
SAIDAPET, CHENNAI 15

Vs

M.PRABAKAR [RESPONDENT]
S/O. S.MANICKAM,
ADDITIONAL DIRECTOR OF RURAL DEVELOPMENT
AND PANCHAYATS/ PROJECT DIRECTOR,
LIVELIHOODS MISSION, MADURAI 14

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim order of status quo granted on 27.08.2021 made in WMP.No.19276 of 2020 in WP.No. 18048 of 2021 [in WMP No.20784 of 2021].

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.NEELAKANDAN, ADDITIONAL ADVOCATE GENERAL, for the petitioners and of M/S.M.RAVI, Advocate for the Respondent, the court made the following order:-

The Writ Petition has been filed challenging the transfer of the petitioner who was working as Additional Director of Rural Development & Panchayats/Project Director, Livelihoods Mission, Madurai - 14 to the post of Principal Regional Institute Rural Development & Panchayat, Pattukottai, Tanjore District.



2. Several grounds have been raised in assailing the order of transfer. On *prima facie* consideration of the grounds, this Hon'ble Court has granted status quo vide order dated 27.08.2021. The notice was ordered and a detailed counter affidavit has also been filed on behalf of the respondents. On behalf of the respondents, a status report has also been filed. According to the status report, the petitioner was relieved from the post on 26.08.2021 itself whereas, this Court has granted a status quo only subsequent to that, on 27.08.2021. A person who was posted in his place Mr.M.Kalidasan assumed charge in the post where the petitioner was working earlier at Madurai District.

3.The learned Additional Advocate General who is present and argued the case today stated that it is being a higher level post, the petitioner being relieved even before the status quo order could be passed by this Court, has refused to join the post and he cannot also be accommodated in a post which he held earlier in the transfer as the other person who has been posted one Mr.M.Kalidasan assumed office in that post.

4.According to the counter affidavit, the petitioner had been posted only on administrative grounds and the same was not in violation of any transfer policy. It is further stated that it is a State Level post having more responsibilities and therefore the petitioner was liable to be transferred to any place considering his service requirement. It is further stated that as far as the post held by the petitioner is concerned, there is no question of non-transfer period.

5.This Court is in agreement with the submission made by the learned Additional Advocate General and also find that the grounds raised in the Writ Petition are not worthy enough for intervention of this Court and continuing the orders of status quo passed by this Court earlier. As rightly contended by the learned Additional Advocate General, it is being a State level post, the petitioner cannot have any legitimate grievance against his transfer and he cannot seek to entrench himself in a particular position for indefinite period of time. In the interest of administration, his services are required elsewhere. Therefore, the order of status quo granted by this Court is causing administrative dislocation which cannot be allowed to continue any further.

6.For the above said reasons, the interim order of status quo is hereby vacated.

-sd/-
09/12/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

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GOVERNMENT OF TAMIL NADU
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SAIDAPET, CHENNAI 15

Order
in
WMP No.20784 of 2021
in WP.No.18048 of 2021

Date :09/12/2021

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