



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.6310 of 2020

W.M.P. (MD) .Nos.5536 & 6496 of 2020

WEB COPY

P.L.Jeyam

... Petitioner

versus

1.The District Collector,
Pudhukottai District,
Pudhukottai.

2.The Block Development Officer,
(Village Panchayats),
Thirumayam Panchayat Union,
Thirumayam Village,
Thirumayam Taluk,
Pudhukottai District.

3.M.Kumar,
The Panchayat President,
Virachilai Village Panchayat,
Thirumayam Taluk,
Pudhukottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari Mandamus, to call for the records pertaining to the impugned order of transfer in Na.Ka./1595/2018/Thi3 dated 08.05.2020 on the file of the respondent No.2 issued on 19.05.2020 and quash the same as illegal and consequently, directing the respondent Nos.1 and 2 to permit the petitioner to continue as Panchayat Secretary at Virachilai Village Panchayat, Thirumayam Taluk, Pudhukottai District-622 412, within the time stipulated by this Court.

For Petitioner	:	Mr.T.Ashwin Raja Simhan for Mr.T.Lajapathi Roy
For Respondents	:	Mr.Veerakathiravan, Additional Advocate General assisting Mr.S.Shaji Bino, Special Government Pleader for RR1 & 2.

ORDER

This Writ Petition has been filed as against the order of transfer of the petitioner passed by the second respondent.



2. According to the petitioner, he was working as Panchayat Secretary at Virachilai Village Panchayat, Pudukottai District. The third respondent, who is the Panchayat President of the above said Panchayat, has requested the petitioner to create fabricated bills to misappropriate the public funds. However, the petitioner refused to create the same, therefore, the third respondent recommended the second respondent to transfer him to any other Panchayat Union. Based on which, the second respondent has passed the impugned order without assigning any reason.

3. Mr.T.Ashwin, learned counsel appearing for the petitioner, by relying on Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 that has been stated in G.O.(Ms).No.72, Rural Development & Panchayat Raj (E5) Department, claims that any transfer shall be made only on administrative grounds, with valid reasons and after proper enquiry by the authorities concerned. However, the impugned order does not disclose any *prima facie* material as against the petitioner warranting transfer.

4. The learned Special Government Pleader appearing for the respondents submits that the impugned order has been passed on administrative reasons and on the recommendation of the President of the Panchayat. Therefore, there is no error in the impugned order as per Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service Rules, 2013).

5. This Court paid its anxious consideration to the submission made on both sides. The impugned order has been passed based on the recommendation of the President of the Panchayat, without assigning any administrative reason, since the petitioner has not conceded to the third respondent for illegal misappropriation of public funds. Hence, the impugned order passed by the second respondent is set aside and the matter is remitted back to the second respondent to take a decision in accordance with the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.

6. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

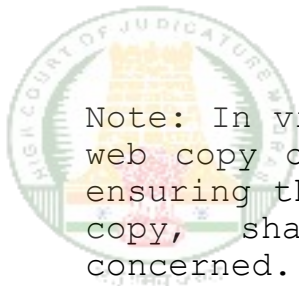
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

ssb



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.

WEB COPY

- To
- 1.The District Collector,
Pudhukottai District,
Pudhukottai.
 - 2.The Block Development Officer,
(Village Panchayats),
Thirumayam Panchayat Union,
Thirumayam Village,
Thirumayam Taluk,
Pudhukottai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-35486[F]
dated 23/11/2021)

+1 CC to M/s.SPL GP (SR-35626[F] dated 24/11/2021)

W.P (MD) No. 6310 of 2020

22.11.2021

KMV (CO)

GC (03.12.2021) 3P 5C