



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)No.858 of 2018

and

W.M.P(MD)Nos.908 and 2989 of 2018

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Muthulakshmi

...Petitioner

Vs.

1.The District Collector Cum
Inspector of Panchayats,
Thoothukudi, Thoothukudi District.

2.The Block Development Officer cum
The Special Officer,
(Village Panchayats),
Kovilpatti Panchayat Union,
Kovilpatti, Thoothukudi District.

3.The Executive Officer,
Thuraiyur Panchayat Board,
Thuraiyur,
Thoothukudi District.

4.Rengan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order in Thi3/3904/2016, dated 30.12.2017 issued by the 2nd respondent and quash the same as illegal in respect of Sl.No.1 alone.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.A.Muthukaruppan,
No.1 Additional Government Pleader

For Respondent : Mr.R.Murugan,
No.2 Government Advocate,

For Respondent : No appearance
Nos.3 and 4

O R D E R

Heard Mr.AN.Ramanathan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the 1st respondent and Mr.R.Murugan, learned Government Advocate appearing for the 2nd respondent.



2.The order of transfer dated 30.12.2017, issued to the petitioner is put under challenge in the present writ petition. Pending writ petition, the petitioner was permitted to continue in the same post as Panchayat Secretary pursuant to the interim order of stay granted by this Court.

3.The learned Government Advocate appearing for the 2nd respondent, on instructions, affirms that the petitioner is still continuing in the same post. It is seen that the transfer order was passed way back on 30.12.2017 and the petitioner has been continuing in the said post for more than 3 years. At this length of time, it would not be appropriate to interfere with the transfer order, since the Administrative exigencies, which necessitated the petitioner to be transferred long back may not subsist as on date.

4.Nevertheless, if the respondents are of the view that the petitioner requires to be transferred in future, on administrative grounds, it would always open to them to do so.

5.Accordingly, the impugned order of transfer Thi3/3904/2016, dated 30.12.2017 issued by the 2nd respondent shall stand quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Dsk

To

1.The District Collector Cum
Inspector of Panchayats,
Thoothukudi, Thoothukudi District.

2.The Block Development Officer cum
The Special Officer,
(Village Panchayats),
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Kovilpatti,
Thoothukudi District.



3.The Executive Officer,
Thuraiyur Panchayat Board,
Thuraiyur,
Thoothukudi District.

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+1 CC to SPL GP (SR-5320[F] dated 16/02/2021)

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