



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.11529 of 2018

and W.M.P. (MD) Nos.13743 & 10497 of 2018

(Through Video Conference)

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...Petitioner

Vs.

1. The Director,
Department of Animal Husbandry &
Medical Services,
Chennai.

2. The Assistant Director,
Department of Animal Husbandry,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent no.1 in Na.Ka.No.10142/K2/2018 dated 03.05.2018 and quash the same and consequently permit the petitioner to continue his job at respondent No.2 office.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Dhayalan,
Government Advocate

O R D E R

The order impugned in the present writ petition is an order of transfer, transferring the petitioner from Ramanathapuram to Tirunelveli.

2. The reason assigned in the impugned transfer order is for administrative grounds. The petitioner herein is a Driver attached to the second respondent. The learned counsel for the petitioner alleges malafides on the part of the second respondent in having passed the impugned order and therefore, seeks for quashing of the same.

3. It is seen from the records produced in the typed set of papers by the learned counsel for the petitioner that on 05.03.2018, a notice was issued to the petitioner to show cause as to why departmental proceedings should not be initiated against him on the given set of facts. Immediately, on 06.03.2018, the



petitioner had given a complaint to the first respondent herein, predominantly alleging certain irregularities against the Assistant Director of Animal Husbandry. The petitioner's reply to the show cause notice, was found to be unsatisfactory and therefore, through the proceedings of the second respondent dated 06.04.2018, it was intimated that they intended to enquire him departmentally. It is during this point of time, the impugned order of transfer came to be passed on 03.05.2018.

4. I do not find any malafides on the part of the respondents while transferring the petitioner. The very reliance placed by the petitioner on the complaints made by him seems to be misplaced. The complaint itself was sent only after the show cause notice for initiation of departmental action was issued. The subsequent complaint was also sent after the rejection of his reply to the show cause notice.

5. Merely, because the petitioner has given a complaint, it cannot be conclusively taken to be a malafide intention, particularly, when the order of transfer does not disclose or record any of the conduct on the part of the petitioner, but rather has spelt out that the transfer is on administrative reasons. As such, I do not find any merit in the ground raised by the petitioner with regard to the malafide intention of the respondents in passing the impugned order.

6. For all the foregoing reasons, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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.



To

1. The Director,
Department of Animal Husbandry &
Medical Services,
Chennai.

2. The Assistant Director,
Department of Animal Husbandry,
Ramanathapuram District.

+1 CC to SGP (SR-2825[F] dated 02/02/2021)

Order made in
W.P. (MD) No.11529 of 2018
01.02.2021

KM (05.03.2021) 3P 4C