



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.11778 to 11780 of 2018

and

W.M.P.(MD) Nos.10692,10693,13823,10694,13779&13824 of 2018

W.P.(MD).No.11778 of 2018

Muthusamy Pandian

... Petitioner

vs.

1. The Director of Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex,
Saidhapet, Chennai.
2. The Joint Director of Animal Husbandry,
Collectorate Campus, Dindigul, Dindigul District.
3. The Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Mingles Road, Dindigul,
Dindigul-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned transfer order issued by the first respondent in Na.Ka.No.19489-M2/2018 dated 24.05.2018 and quash the same as illegal, malafide and arbitrary.

W.P.(MD).No.11779 of 2018

M.Balachandran

... Petitioner

vs.

1. The Director of Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex,
Saidhapet, Chennai.
2. The Additional Director of Animal Husbandry,
Veterinary Hospital Complex,
Saidhapet, Chennai.



3. The Joint Director of Animal Husbandry,
Collectorate Campus,
Dindigul, Dindigul District.

4. The Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Mingles Road, Dindigul,
Dindigul-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned transfer order issued by the second respondent in Na.Ka.No.20196/2/2018 dated 25.05.2018 and quash the same as illegal, malafide and arbitrary.

W.P. (MD) .No.11780 of 2018

N.Alagappan

... Petitioner

vs.

1. The Director of Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex,
Saidhapet, Chennai.

2. The Additional Director of Animal Husbandry,
Veterinary Services, Veterinary Hospital Complex,
Saidhapet, Chennai.

3. The Joint Director of Animal Husbandry,
Collectorate Campus,
Dindigul, Dindigul District.

4. The Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Mingles Road, Dindigul,
Dindigul-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned transfer order issued by the first respondent in Na.Ka.No.20158/No-1/2018 dated 25.05.2018 and quash the same as illegal, malafide and arbitrary.

In all W.P.s

For Petitioners : Mr.C.M.Arumugam
For Respondents : Mr.S.Dhayalan
Government Advocate

COMMON ORDER

Heard Mr.C.M.Arumugam, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioners and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents.

2. The petitioners herein were transferred from the present station through the impugned orders viz., Na.Ka.No.19489-M2/2018 dated 24.05.2018, Na.Ka.No.20196/22/2018 dated 25.05.2018 and Na.Ka.No.20158/No-1/2018, dated 25.05.2018 respectively.

3. The reasons assigned in the orders of transfer are for administrative exigencies.

4. The learned counsel appearing for the petitioners would submit that the petitioners are alleged to have involved in certain disturbances in the office atmosphere, which is not true and even otherwise, the departmental action initiated as against one of the petitioners, namely, M.Balachander had ended in his favour, since the Enquiry Officer had found charges to have not been proved. Insofar as the other petitioners are concerned, it is his submission that they have also been proceeded against departmentally and such an action is pending.

5. The learned Government Advocate appearing for the respondents placed reliance on the counter affidavit and submitted that owing to the transgressions and interferences in the administration of the Department, the respondents were constrained to transfer these petitioners. It is also submitted that owing to such disturbances created by the petitioners, they are disrupting the peaceful administration of the working place of the respondents and such action for transfer had been necessitated.

6. Insofar as the circumstances under which the respondents had taken an administrative decision to transfer the petitioners are concerned, it is seen that all the petitioners herein are said to have been subjected to departmental action and in one case relating to Mr.M.Balachandran, departmental action was dropped since the charges against them were not proved. It is the case of the petitioners that the charges as against the other petitioners are also similar in nature, as that of Mr.M.Balachandran's case

7. When the basis on which the respondents had taken an administrative decision to transfer Mr.M.Balachandran has ended against the department, since the charges were disproved, there is every likelihood that similar charges levelled against the three other petitioners can also follow suit. Further the transfer order is claimed to be passed in the year 2018 and in view of the interim orders passed by this Court, the petitioners have been continuing in their original station till date. Almost three years have lapsed since the administrative decision was taken by the respondents and there is also a change in the circumstances, as one of the petitioners was acquitted of the charges levelled.



8. In these circumstances, it would be appropriate to interfere with the transfer orders and if the respondents are granted liberty to take any further administrative decision after all the departmental enquiries are concluded against the rest of the petitioners, the ends of justice could be secured.

9. Taking into consideration the continuance of the petitioners in the present post from the year 2018 onwards, the departmental action against three of them, vide impugned orders viz., Na.Ka.No.19489-M2/2018 dated 24.05.2018, Na.Ka.No.20196/2/2018 dated 25.05.2018 and Na.Ka.No.20158/No-1/2018, dated 25.05.2018, stand quashed.

10. However, the respondents are granted liberty to invoke their administrative powers for effecting any transfer after completion of the departmental action, if the exigencies require them to do so. It is made clear that this Court has not recommended for any future transfer of these petitioners through these orders. Till such time, the petitioners' position in their respective departments, shall not be disturbed.

11. With the above observations, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cr1)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TSG

To

1. The Director of Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex,
Saidhapet,
Chennai.
2. The Additional Director of Animal Husbandry,
Veterinary Services,
Veterinary Hospital Complex,
Saidhapet,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Joint Director of Animal Husbandry,
Collectorate Campus,
Dindigul, Dindigul District.

4. The Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Mingles Road, Dindigul,
Dindigul-3.

+3 CC to MR.C.M.ARUMUGAM, Advocate (SR-8251[F] dated 02/03/2021)

+3 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8215[F], SR-8194[F] and
SR-8180[F] dated 02/03/2021)

Common Order made in
W.P. (MD) Nos.11778 to 11780 of 2018
01.03.2021

NA (CO)

SRS (15/03/2021) 5P : 11C