



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20662 of 2021
WMP(MD) Nos.17281 & 17282 of 2021

Kumar
S/o Pozhachi rettiyar,
Village President,
Inugur Village Panchayat,
Kulithalai Panchayat Union,
Karur District.

...Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Project Director,
District Rural Development,
Collectorate,
Karur.

3.The Personal Assistant to District Collector,
(Devleopment),
Karur District, Karur.

4.M.Manimaran,
Panchayat Secretary,
Magathanapuram Village Panchayat,
Krishnarayapuram Panchayat Union,
Karur District.

5.P.Mathialagan,
Panchayat Secretary,
Inugur Village Panchayat,
Kulithalai Panchayat Union,
Karur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide his proceedings in Na.Ka.Pva.6/651/2020 dated 29.10.2021 to quash the same and consequently direct the third respondent to pass orders as per the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 by considering the



letter No.1/U.NI/2021, dated 29.10.2021, given by the petitioner, within the period that may be stipulated by this Court.

For Petitioner :Mr.V.Vishnu

For R1 to R3 :Mr.S.Shaji Bino
Special Government Pleader

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ORDER

This writ petition is filed as against the order of transfer passed by the third respondent vide his proceedings in Na.Ka.Pva.6/651/2020 dated 29.10.2021, without consulting the petitioner being the President of Inugur Village Panchayat, which is against the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.

2.The learned counsel for the petitioner submits that as per Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, any transfer of Panchayat Secretaries shall be made only in consultation with the Executive Authority, namely, the President of the Panchayat. But, in this case, the third respondent has passed the impugned order transferring the fourth respondent, namely M.Manimaran, from Kulithalai Panchayat Union to Krishnarayapuram Panchayat Union and the fifth respondent, namely, P.Mathialagan from Krishnarayapuram Panchayat Union to Kulithalai Panchayat Union, without any consultation with the petitioner, who is the President of Inugur Village Panchayat, Kulithalai Panchayat Union, Karur.

3.Mr.S.Shaji Bino, learned Special Government Pleader, who takes notice for the respondents 1 to 3 admits that it is true that after consultation with the Executive Authority only, transfer of Panchayat Secretaries has to be made. However, in this case, the order has been passed without consultation with the petitioner, who is the President of Inugur Village Panchayat. Therefore, an opportunity may be given to the official respondents to pass fresh order in accordance with Rule 11 (2) of Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.

4.As per Rule 11 (2) of Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, transfer and postings shall be done by the authorities in consultation with the Executive Authority of the Village Panchayat concerned. For better appreciation, the relevant Rule is extracted here under:-

11.Transfer:- (1) Transfer of a person holding the post shall be made only on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned.

(2) Transfer and postings within the Block shall be made by the Block Development officer (Village Panchayats) of



the Panchayat Union concerned, Transfer and postings to other Blocks within the District shall be made by the Personal Assistant (Development) to the Collector. All transfers and postings within the Block and the District shall be done in consultation with the Executive Authority of the Village Panchayat concerned. The Commissioner/Director of Rural Development and Panchayat Raj is the competent authority to make transfer from one District to another District based on the specific report from the Collector.

5. Admittedly, in this case, the order of transfer was passed without consultation with the petitioner/President of Inugur Village Panchayat, i.e, the Executive authority, which is admitted by the learned Special Government Pleader. Therefore, this Writ petition is allowed. The impugned order of the third respondent in Na.Ka.Pva.6/651/2020 dated 29.10.2021 is hereby set aside and the matter is remitted back to the third respondent, to take a decision afresh, in accordance with law, more particularly, in consultation with the Executive Authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 District Collector,
Karur District,
Karur.

2.The Project Director,
District Rural Development,
Collectorate,
Karur.



3.The Personal Assistant to District Collector,
(Devleopment),
Karur District, Karur.

+1 CC to M/s.SPL GP (SR-35628[F] dated 24/11/2021)

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MGJ(06.12.2021) 4P 5C