



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.21085 of 2018

and W.M.P. (MD) Nos.18876 & 18877 of 2018 and 595 of 2019
(Through Video Conference)

K.Kannan

... Petitioner

Vs

1. The Director,
Animal Husbandry and Veterinary Services,
Saidapet, Chennai 600 015
2. The Regional Joint Director,
Animal Husbandry Department,
Collectorate,
Virudhunagar,
Virudhunagar District.
3. The Assistant Director,
Animal Diseases and Intelligent Unit,
Virudhunagar,
Virudhunagar District.
4. The Deputy Director,
Cattle Breeding and Fodder Department,
Animal Husbandry Department,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned order of transfer passed by him in his Proceedings in Na.Ka.No.038451/K2/2018 dated 04.10.2018 and quash the same as illegal and arbitrary and consequently direct the 1st respondent to allow the petitioner to continue in the office of the 3rd respondent.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Dhayalan,
Government Advocate



O R D E R

The petitioner herein, who was employed as a Driver in the third respondent office, i.e. Virudhunagar was transferred to Tirunelveli on administrative exigencies. When the aforesaid transfer order, dated 04.10.2018 came to be challenged, this Court has granted interim orders, pursuant to which, the petitioner was retained at Virudhunagar itself. Almost three years have lapsed since the interim order was granted and the petitioner continues to work in the same place. No counter affidavit or any application to vacate the interim order has been filed till date.

2. Taking into consideration the long period of three years from the date of passing of the impugned order, this Court will not be appropriate to interfere with the transfer order at this stage. This Court has also taken into consideration the fact that the administrative exigencies which could have been in existence during October 2018 may not subsist as on date. However, if liberty is granted to the respondents to exercise their discretion in effecting transfer for administrative reasons in future, the ends of justice can be secured.

3. In the light of the above objections raised by the learned Government Advocate, the impugned order passed by the 1st respondent in Na.Ka.No.038451/K2/2018 dated 04.10.2018 stands quashed. The respondents are at liberty to exercise their administrative powers for effecting any future transfers to the petitioner. With the above liberty, the writ petition stands allowed. 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,
Animal Husbandry and Veterinary Services,
Saidapet, Chennai 600 015

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



2. The Regional Joint Director,
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Virudhunagar District.
3. The Assistant Director,
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Virudhunagar, Virudhunagar District.
4. The Deputy Director,
Cattle Breeding and Fodder Department,
Animal Husbandry Department,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.GP (SR-4015[F] dated 09/02/2021)

Order made in
W.P. (MD) No.21085 of 2018
Dated:
08.02.2021

RK(25.05.2021) 3P 6C