



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2511 of 2021
WMP.Nos. 2837 & 2838 of 2021

T.Sathya

.. Petitioner

vs.

1.The District Collector cum
Inspector of Panchayat,
Nagapattinam,
Nagapattinam District.

2.The Assistant Director,
(Panchayat.Audit)
Nagapattinam,
Nagapattinam District.

3.The Block Development Officer,
Village (Panchayat),
Vedaranyam,
Nagapattinam District.

4.The President,
Ayakaranpulam-I Panchayat,
Ayakaranpulam-I
Vedaranyam Taluk,
Nagapattinam District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings in Na.Ka.No.1749 / 2019 / Aa1 dated 14.8.2020 for transferring the petitioner from Ayakaranpulam-I to Maruthur South Quash the same and consequently direct the 3rd respondent to re-transfer from Maruthur South to Ayakaranpulam-I Vedaranyam Taluk Nagapattinam District.

For Petitioner
For Respondents

: M/s.R.Murugabharathi
: Mr.S.Rajesh, GA- R1 to R3
Mr.R.Raja Ramani- R4



O R D E R

Challenging the impugned transfer proceedings issued by the 3rd respondent in proceedings in Na.Ka.No.1749 / 2019 / Aa1 dated 14.8.2020 transferring the petitioner from Ayakaranpulam-I to Maruthur, the present writ petition is filed.

2. The case of the petitioner is that the petitioner was initially appointed as Panchayat Assistant at Ayakaranpulam-I, Panchayat in the year 2010. The petitioner was issued with a show cause notice on 04.07.2012 calling for explanation for alleged charges of certain deficiency in discharging duty and was placed under suspension. Subsequently, after a period of 5 years, the respondent held the charges proved against the petitioner and passed an order of stoppage of increment for a period of six months with cumulative effect. As against the said order, the petitioner had preferred appeal to the 1st respondent on 06.11.2017 and the said appeal was also rejected by the 1st respondent by order dated 07.03.2018 and denied the subsistence allowance and the regular scale of pay for the period of suspension. The petitioner while working in Ayakaranpulam-I Panchayat, due to the influence of the president and other members and as per the recommendation of the 1st respondent, the petitioner was transferred from the Ayakaranpulam-I to Maruthur South Panchayat by impugned proceedings of the 3rd respondent dated 14.08.2020. Aggrieved by the said order of the 3rd respondent, the present writ petition is filed.

3. The learned counsel for the petitioner has submitted that based on the charges the petitioner was transferred from Ayakaranpulam-I to Panchanathikulam East panchayat and again transferred from Panchanathikulam East Panchayat to Ayakaranpulam-I Panchayat. The petitioner made representation to the respondents on 18.05.2020 to take action against the President of the said panchayat for his misuse of panchayat funds and other government schemes, but no action was taken on the said complaint.

4. The learned counsel for the petitioner has further submitted without considering the allegations made by the petitioner against the said president and other members, the 3rd respondent had passed the impugned order transferring the petitioner from Ayakaranpulam-I Panchayat to Maruthur South Panchayat, which according to the petitioner is illegal and the same is liable to be set aside.

5. On perusal of the records, after receipt of complaint by the president and other members against the petitioner, the 3rd respondent had conducted enquiry and submitted a report to the



1st respondent on 31.07.2020. Based on the said report of the 3rd respondent, the 1st respondent by proceedings dated 12.08.2020 recommended to the 3rd respondent to transfer the petitioner from Ayakaranpulam-I Panchayat to some other vacancy place within the panchayat union and accordingly, the 3rd respondent had issued the impugned proceedings in Na.Ka.No.1749/2019/Aa1, date 14.08.2020, transferring the petitioner from Ayakaranpulam-I to Maruthur South Panchayat.

6. In view of the above, it is clear that the 1st respondent had recommended the petitioner's transfer only based on the report submitted by the 3rd respondent in connection with the complaint received as against the petitioner, therefore the said transfer took place purely on the administrative reasons. Further the petitioner's transferred place is situated within the same Panchayat Union, therefore this Court cannot find any reason to interfere with the impugned transfer order passed by the 3rd respondent.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Inspector of Panchayat,
Nagapattinam, Nagapattinam District.

2. The Assistant Director,
(Panchayat.Audit)
Nagapattinam, Nagapattinam District.

3. The Block Development Officer,
Village (Panchayat),
Vedaranyam, Nagapattinam District.

+1cc to M/s.R.Murugabharathi, Advocate, S.R.No.14100

+1cc to Mr.R.Raja Ramani, Advocate, S.R.No.14086

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SR[co]

NSK 08/04/2022