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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.12780 OF 2020

AND

W.M.P.NOS.15791 AND 15792 OF 2020

T.Pramila

...Petitioner

Vs.

1. The Principal Secretary to Government
Commissioner of Revenue Administration
Chepauk, Chennai-5.
2. The District Collector
Chennai District, Chennai
3. The District Collector
Chengalpet District
Chengalpet
4. The District Collector
Kancheepuram District
Kancheepuram.

...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed by him in Proc. No.Ser.3 (1)/14005 / 2019 dated 22.6.2020 and quash the same and direct the respondents to transfer the petitioner from Chennai District to Chengalpet District within a reasonable time and grant her all consequential service and monetary benefits.

For Petitioner	: Mr.L.Chandrakumar
For Respondents	: Mr.T.Arunkumar, Additional Government Pleader



ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. According to the writ petitioner, the petitioner is presently serving as Tahsildar / Excise Supervisory Officer, TASMAR Depot, Thirumazhisai, Chennai. During January 2018, while the petitioner was serving as Special Tahsildar, Town Settlement, UDR, Alandur, Kancheepuram District, the Chennai Revenue District was expanded by adding 143 revenue villages from Kancheepuram and Thiruvallur jurisdiction to Greater Chennai Corporation. During that relevant time, the place in which the petitioner was serving namely Alandur Taluk, Kancheepuram District was merged with greater Chennai. Following the order dated 04.01.2018 passed in G.O Ms.No.01, Revenue & Disaster Management Department, adding 143 Revenue Villages to Chennai District, the Government issued another order in G.O Ms No.194 Revenue & Disaster Management (Rev. Adm. Wing RA1(1) Section) dated 28.5.2018 for deployment of staff and fixing the seniority in respect of the staff who have been deployed to the Chennai Corporation limits from Kancheepuram and Thiruvallur District. At that time, the petitioner was directed to give her option whether she would like to continue in Kancheepuram District or Chennai District. The petitioner gave her unwillingness to migrate to Chennai District on the sole ground that she is a permanent resident of Kancheepuram District for decades, besides her son was studying in Kancheepuram and she had to take care of her ailing mother. Hence, she made a representation to absorb her in Kancheepuram District. But the claim of the petitioner for retention in Kancheepuram District was rejected and the 3rd respondent, by his proceedings dated 16.08.2019, transferred the petitioner from Chennai District and posted her as Special Tahsildar, Town Settlement, Alandur in the same post which she was holding. The petitioner's request was turned down on the ground that the petitioner is the junior most available in Kancheepuram District and hence, she was transferred to Chennai District. At that time, though there were number of persons serving, who are juniors to the petitioner in the rank of Tahsildar in Kancheepuram District, 27 Deputy Tahsildars were promoted on 29.06.2018 and without considering them for transfer to Chennai District, the petitioner was transferred and relieved on 21.08.2018. The aforesaid temporary Tahsildars were subsequently promoted as regular Tahsildars on 20.08.2018 and they were relieved from Kancheepuram District only on 21.08.2018. The petitioner made a detailed representation to the 1st respondent on 18.08.2018 to retain her in Kancheepuram District, for which there was no response. Hence the petitioner filed W.P No.7933 of 2019 seeking for a direction to



consider her representation dated 18.08.2018 for transfer from Chennai District to Kancheepuram District. In the meanwhile, the petitioner was suffering from various health ailments and also undergone abdominal hysterectomy. Whiles, Kancheepuram District was bifurcated into Chengalpet and Kancheepuram Districts. Thereafter, the petitioner made a fresh representation on 24.01.2020 to accommodate her in Chengalpet District. In the above writ petition, this Court issued a direction on 13.01.2020 to consider the representation of the petitioner. Even thereafter, no orders were passed. Hence, the petitioner made a representation on 24.04.2020, for which there was no response. Subsequently, the 1st respondent passed an order dated 22.06.2020 rejecting the claim of the petitioner on the ground that she has not applied through District Collector, Chennai. Hence, the petitioner has filed the present writ petition before this Court.

3. Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents.

4. In the counter affidavit filed by the respondents, it is stated that in order to fill up the temporary vacancies, temporary promotion of Deputy Tahsildars to hold the post of Tahsildars was given for 27 Deputy Tahsildars on 29.06.2019 and 04.07.2018 and this appointment was purely temporary subject to reversion at any time till the drawal of regular panel of Tahsildar for the year 2018. Further, their services will be regularized only after drawal of regular panel of Tahsildar for the year 2018 until they are not treated as permanent incumbents in the cadre of Tahsildar. Therefore, the contention of the petitioner that the aforesaid temporary Tahsildars are juniors to the petitioner is not correct. It is further stated that if the petitioner is suffering from various health ailments and also undergone abdominal hysterectomy, there is no bar to apply for District Transfer under Rule 10 of Special Rules of Tamil Nadu Revenue Subordinate Service before the 1st respondent through the District Collector, Chennai along with necessary medical supporting documents. Then, the issue of district transfer should be decided based on the consents of the District Collectors of relieving district and observing district, subject to the usual conditions being imposed in the District Transfer request cases. Hence, the petitioner's request to transfer her from Chennai to Kancheepuram/Chengalpet District cannot be considered.

5. Considering the statement made in the counter affidavit and also taking note of the fact that the petitioner being promoted as Temporary Tahsildar in the sanctioned post and now, she is working at Chennai, it is open to the petitioner to make a prior request to the 1st respondent through the District



Collector, under 10 of Special Rules of Tamil Nadu Revenue Subordinate Service, if so advised.

6. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Commissioner of Revenue Administration
Chepauk, Chennai-5.
2. The District Collector
Chennai District, Chennai.
3. The District Collector
Chengalpet District
Chengalpet
4. The District Collector
Kancheepuram District
Kancheepuram.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.34690
+1cc to the Government Pleader, S.R.No.35543

W.P.No.12780 of 2020
and
W.M.P Nos.15791 & 15792 of 2020

SKM(CO)
PM/04/07/2022