



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.473 of 2022

and WMP Nos.381 & 2783 of 2022

H.Syed Abdahir

... Petitioner

Vs.

1.The Commissioner of Town Panchayat
Commissionerate of Town Panchayat,
7th and 8th Floor, Urban Administrative Building,
75 Santhome High Road,
Chennai 28.

2.The District Collector,
Collectorate Campus
Erode,
Erode District

3.The Assistant Director of Town Panchayat,
Collectorate Campus
Erode Zone,
Erode District.

4.The Executive Officer,
Town Panchayat Office
Salangapalayam
Erode District.

5.The Executive Officer,
Town Panchayat Office,
Kottaram Town Panchayat
Nagercoil Region,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the proceedings in e.f.vz;8099/2021 m2 dated 11.10.2021 and the consequential relieving order passed by the 2nd respondent in his proceedings in e.f.vz;.21256/2021/u2 dated 20.10.2021 and the consequential relieving order passed by the 4th respondent in his proceedings in e.f.vz;.283/2021/m dated 22.10.2021.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.N.Satheeshkumar for R1 to R3
Additional Government Pleader
Mr.Selvaganesan for R4 & R5
Additional Government Pleader

ORDER

The order dated 11.10.2021 deputing the writ petitioner on administrative grounds from Erode District to Kanyakumari District is under challenge in the present writ petition.

2. The petitioner is working as Junior Assistant at Salangaipalayam town Panchayat, Erode District. The authorities competent, more specifically, Commissioner of Town Panchayat, Chennai, who is the head of the department deputed the writ petitioner to Kottaram Town Panchayat, Kanyakumari District on administrative grounds. When the head of the department issued an order of deputation in order to carry out certain works or otherwise on administrative grounds, the employee is expected to join in the deputed place and work in the interest of public. If such employees are deputed to work in such place to carry on work are allowed to escape from their duties and responsibilities, this Court is of the considered opinion that the employees are attempting to evade their lawful public duties.

3. The learned Additional Government Pleader made a submission that there are certain serious allegations against the writ petitioner and in lieu of transfer, he has been issued with an order of deputation to work in the deputed place for some time so as to the authorities may form an opinion. This being the submission, this Court is of the considered opinion that the petitioner is bound to join in the deputed place.

4. Deputation is an administrative exigencies. Deputation of an employee cannot be a ground to file a writ petition under Article 226 of the Constitution of India. Deputation cannot be an infringement of the service conditions. Transfer and deputation is incidental to service, more so, conditions of service. The high Court cannot interfere with such day today administration of the Government departments. Transfer and postings, deputation are the prerogative of the executive competent and only if such orders are issued with malafide or issued by the incompetent authority, the high Court may exercise the power of judicial review, but not otherwise. Therefore, the petitioner, who is deputed to another district, is bound to serve in the interest of public and his service conditions are not violated nor his rights are infringed.



If at all any personal grievance exists, he has to approach the competent authorities, but not the high Court by filing a writ petition.

5. In this view of the matter, the writ petitioner has not established any acceptable ground for the purpose of considering the relief. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

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5.The Executive Officer,
Town Panchayat Office,
Kottaram Town Panchayat
Nagercoil Region, Kanyakumari District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-14774[F] dated
28/03/2022)

+1 CC to M/s.SPL GP (SR-14857[F] dated 28/03/2022)

W.P. (MD) No.473 of 2022

25.03.2022

PK(CO)

TR(05.04.2022) 3P 8C