



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2738 of 2022

and

W.M.P. (MD) Nos.2425 & 2426 of 2022

S.Jeyalakshmi

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

3.The President,
Thiruppachethi Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

4.Palanichami

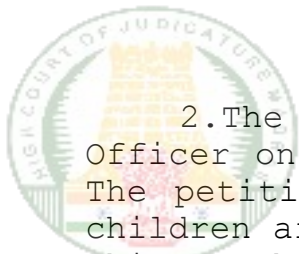
... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned transfer order of the 1st respondent in Na.Ka.A2/1342/2019 dated 02.02.2022 and quash the same as illegal and consequently directing respondents No.1 and 2 to permit the petitioner to work continuously as Village Administrative Officer at Thiruppachethi North Group, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.V.Thirumal
For RR1 & 2 : Mr.N.Satheesh Kumar,
Additional Government Pleader

O R D E R

The *lis* on hand has been instituted questioning the validity of the order of transfer issued by the 1st respondent in proceedings dated 02.02.2022.



2.The petitioner was appointed as Village Administrative Officer on 02.06.2015 through Tamil Nadu Public Service Commission. The petitioner states that she is residing at Madurai and her two children are studying at Madurai. She is travelling from Madurai to Thiruppachethi more than 30 kms everyday and after that to Taluk Headquarters situate at Thiruppuvanam, which is again 10 kms everyday to complete her day-to-day work.

3.The petitioner further states that she is working sincerely and has got unblemished record of service. The petitioner states that Thiruppachethi is situate at near 4 way track National Highway, viz., Madurai to Rameswaram National Highway. The land value of the property situate in that area are very high. The patta, revenue records and other documents are maintained by the petitioner sincerely and properly. She was recommended to issue certificate in genuine claim and documents in order. The false, unfair documents and claims were rejected by the petitioner at the threshold and not recommended to issue certificate. At the out set, the petitioner states that she is performing her duties diligently and in accordance with law.

4.The petitioner states that local land brokers and real estate brokers have sent false and anonymous letters in the name of the 3rd respondent/President of the Village Panchayat stating that the petitioner demanded bribe for issuing certificate. The said complaint was sent to the Chief Minister Grievance Cell and the 1st respondent subsequently issued a communication dated 22.01.2022 wherein the petitioner was called to appear in person before the 1st respondent. The petitioner states that she never demanded any bribe from anybody and is working honestly. Under these circumstances, the petitioner is transferred on administrative grounds from Thiruppachethi to Kothangulam. Admittedly, the distance between the two places is 4 kms.

5.Learned counsel appearing on behalf of the petitioner contended that it is not the question of distance. The transfer caused dis-reputation to the petitioner and therefore, the order of transfer is to be set aside.

6.Learned Additional Government Pleader appearing for respondents 1 and 2 mainly contended that the order impugned was issued on administrative grounds. The complaints or allegations are one aspect of the matter and the said complaints are to be dealt with separately. However, the competent authority took a decision to effect transfer on administrative grounds for better administration and therefore, the writ petition is to be rejected.

7.The learned Additional Government Pleader submits that in respect of the allegations raised against the petitioner or other officials, the competent authority will take appropriate steps to



unconnected to the allegations or complaints and even as per the petitioner, if it is an anonymous complaint, that will be dealt with in accordance with law.

8. Self-declaration or otherwise are meant for relevance in respect of the administrative transfer orders passed. The order of transfer impugned reveals that the administrative transfers are issued in respect of 7 officials and therefore, the authority competent has taken a decision to effect administrative transfer based on various reasons, may be on receipt of certain complaints. Even in lieu of suspension, an order of transfer can be passed. Even in circumstances where the allegations and complaints received are unable to be established for the purpose of effective administration, then such administrative transfers can be issued. Therefore, administrative transfers can be issued on other grounds. However, the authorities are expected to issue such administrative transfers only in the interest of public administration.

9. No writ needs to be entertained in respect of an order of administrative transfer. Only if an order of transfer has been issued on mala fide grounds, which all are to be substantiated, then alone a writ needs to be entertained. Even in such circumstances, the authority against whom such an allegation is raised must be impleaded as party respondent in his personal capacity. Therefore, the public servants cannot claim status in a particular post.

10. Place or post can never be claimed as a matter of choice by the public servants. Transfer is an incidental to service, more so a condition of service. Administrative transfers are prerogative of the department concerned and the competent authority are the best persons to assess and act accordingly. However, the competent authority should act in the interest of public and in the event of any personal motive, if established, then alone the employee can approach the court of law, but not otherwise.

11. All public servants are duty bound to perform their duties with deliberate and utmost care and devotion. The statement of the petitioner that she is working sincerely and honestly is the duty caused upon her and there cannot be any privilege for such services done, as every public servant is expected to perform duty diligently and honestly.

12. This Court is of the considered opinion that the petitioner was transferred to a nearby village which is just 4 kms away from the present place in which the petitioner is working. Thus, the inference is to be drawn that the petitioner has chosen to file the writ petition without any valid reasons and on certain extraneous reasons. The petitioner herself has narrated regarding many complaints which all are anonymous or otherwise. The authorities competent are empowered to deal with those allegations independently



with the administrative transfer and in the event of linking the transfer orders along with such allegations, then the competent authority would not be in a position to effect administrative transfers.

13.High Court cannot interfere with the day-to-day administration of the public department. In the event of unnecessary interference, the competent authority will not be in a position to have effect control over the executives for efficient administration. Therefore, High Court in exceptional circumstances alone will interfere with the administrative transfers and in all other cases, transfer orders issued by the competent authority are to be implemented scrupulously and the public servants are expected to work wherever they are posted. In such circumstances, this Court is of the considered opinion that the petitioner has not established any ground to consider the relief as such sought for in the present writ petition and in respect of the complaints and allegations against the petitioner, respondents 1 and 2 are directed to conduct an enquiry, if necessary, by following the procedures.

14.With the above observations, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-5279[F] dated 10/02/2022)

+1 CC to M/s.SPL GP (SR-5955[F] dated 14/02/2022)

W.P. (MD) No.2738 of 2022
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