



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10475 of 2020

and

W.M.P(MD)Nos.9268 to 9270 of 2020

N.Arimuthukumar

: Petitioner

Vs.

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The Sub Collector,
Collectorate,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Mu.Mu.A.7/1447/2020 dated 19.08.2020 on the file of the second respondent, quash the same insofar as the petitioner is concerned and consequently, directing the respondents to permit the petitioner to allow to serve as VAO at Konganthanparai Village, Palayamkottai, Tirunelveli District, in "B" Village for more than three years in the light of G.O.No.515, Revenue (Section 7(1)) Department, dated 25.08.2008.

For Petitioner

: Mr.I.Pinaygash

For Respondents

: Mr.S.Saji Bino,

Special Government Pleader

O R D E R

The petitioner is a Village Administrative Officer and the second respondent, by order dated 17.08.2020, transferred the petitioner from Chathiramputhukulam, Tirunelveli District to Konkanthanparai at Palayamkottai, Tirunelveli District. Within two days, by the impugned order dated 19.08.2020, the petitioner's posting at Konkanthanparai has been kept vacant by stating that the



said station, namely, Konkanthanparai would be included for consideration in the general counselling for transfer and the petitioner has been kept idle or in the waiting list. Challenging the said order, the petitioner is before this Court.

2.This Court, having satisfied with the case of the petitioner that within 48 hours he has been transferred, has granted an interim order of stay on 31.08.2020. Pursuant to such order, the petitioner is continuing at Konkanthanparai.

3.Learned Special Government Pleader submits that the transfer of Village Administrative Officers is governed by G.O.(Ms)No.515, Revenue Department, dated 25.08.2018. Detailed guidelines and instructions have been issued regarding the procedure to be followed in conducting counselling for transfer of Village Administrative Officers. According to the learned Special Government Pleader, a Village Administrative Officer posted to 'A' Village will be allowed to work in the said place for a period of one year and those posted to 'B' Village will be allowed to work there for a period of three years. The earlier order dated 17.08.2020 was passed without counselling and therefore, the order has been kept in abeyance by the subsequent order dated 19.08.2020.

4.Learned Special Government Pleader further submits that by virtue of the interim order of this Court, the petitioner is continuing in the same village and in fact, he is working in his native Taluk for more than eight years ie., from 2012 to 2020. A ground is also taken in the counter affidavit that the petitioner is not residing in the village in which he is posted.

5.Heard the rival submissions on either side and perused the available materials.

6.On 17.08.2020, the petitioner, on his request, has been posted at Konkanthanparai from Chathirampudhukulam. He has also joined in the said station and started working there. This fact is not in dispute. However, within 48 hours, the impugned order came to be passed, that the station to which the petitioner was transferred would be considered in the general counselling, meaning thereby, the petitioner has been kept idle and asked to wait till general counselling takes place.

7.Though a detailed counter affidavit is filed, the respondents have not assigned any reasons why an order has been passed on 17.08.2020, transferring the petitioner from Chathirampudhukulam to Konkanthanparai. If this earlier order was passed without following the guidelines issued in G.O.(Ms)No.515, Revenue Department, dated 25.08.2018, it is not known as to whether any action has been taken as against the Officer concerned, who has posted the petitioner to Konkanthanparai without following the guidelines stipulated in the



that for allowing the petitioner to participate in the general counselling, the earlier order dated 17.08.2020 has been kept in abeyance by the subsequent order dated 19.08.2020.

8.The respondents have not substantiated any grounds to sustain the impugned order. If at all, the general counselling is going to be conducted, it is open to the respondents to conduct the same by including the available stations. Insofar as the petitioner is concerned, his request has already been considered and after consideration, he has been posted at Konkanthanparai, where also he joined pursuant to the order dated 17.08.2020. Under such circumstances, this Court feels that the impugned order dated 19.08.2020, which was passed disturbing the petitioner within 48 hours, could not be sustained. Accordingly, the impugned order dated 19.08.2020 is set aside, insofar as the petitioner is concerned. It is open to the respondents to consider the case of the petitioner at the time of general counselling, if he is otherwise eligible.

9.In the result, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stand closed.

Sd/-

Assistant Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

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 District Collector,
Collectorate,
Tirunelveli District.

2.The Sub Collector,
Collectorate,
Tirunelveli,
Tirunelveli District.



3.The Tahsildar,
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+1 CC to M/s.SPL.GP (SR-2403[F] dated 25/01/2022)

W.P (MD) No.10475 of 2020
24.01.2022

SVS (CO)
KB (07.03.2022) 4P 5C