



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16122 of 2021 and
WMP(MD) No.12986 & 12987 of 2021

R.Rajasekar

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Thasildar,
Ottanchatram Taluk,
Dindigul District.

3.V.Tamilselvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the first respondent in her proceeding in Na.Ka.No.4398/2021/A4, dated 04.08.2021 and quash the same.

For Petitioner : Mr.S.Karthik
For R1 & R2 : Mr.S.Saji Bino
Special Government Pleader
For R3 : Mr.S.Visvalingam

O R D E R

This writ petition is filed as against the order of transfer dated 04.08.2021.

2.The case of the petitioner is that he was working as Village Administrative Officer in Thangachiammapatti Village. On 26.07.2021, when he was in service, he met with an accident and he was admitted in the Hospital and took treatment. The grievance of the petitioner is that when he was in medical leave, the third respondent herein has been transferred to Thangachiammapatti Village, wherein, the petitioner is working. According to the learned counsel for the petitioner, the impugned order came to be passed only to accommodate the third respondent in the petitioner's place. The petitioner is aggrieved over the manner in which the



impugned order has been passed, when he was in medical leave, due to the accident occurred. The learned counsel further submits that the petitioner was not paid with salary for the past two months.

3.Mr.Saji Bino, learned Special Government Pleader submits that the petitioner is working in the existing place from 2015 onwards. Since the petitioner was working in the existing place for more than three years, the respondents have decided to transfer the petitioner during general counselling. The petitioner's place is also shown as vacant in the counselling conducted on 27.07.2021 and the third respondent has opted the place during the counselling and therefore, the third respondent has been posted in the petitioner's place. There is no malafide in the order of transfer.

4.Mr.S.Visvalingam, learned counsel appearing for the third respondent has filed a counter affidavit, wherein, it is stated that in the counseling conducted on 27.07.2021, the third respondent has initially chosen Sindhalavadampatti Village and after verification of the vacant position at Thangachiammapatti Village, due to the petitioner's medical leave, it was decided that the post of Village Administrative Officer cannot be kept vacant for more than one month and also considering the fact that the petitioner has already completed three years of service in that village, the third respondent was reposted to Thangachiammapatti Village vide proceedings in No.R.C.4398/2021/A4, dated 04.08.2021 and the third respondent has also joined duty on 06.08.2021.

5.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6.The only grievance of the petitioner is that while he was in medical leave, the third respondent has been placed in the petitioner's place, without his knowledge. It is seen that the petitioner's place was shown as vacant, during the counselling held on 27.07.2021. The third respondent has also participated in the counseling and initially opted for Sindhalavadampatti Village. However, on knowing the fact that the post at Thangachiammapatti Village is kept vacant, the third respondent was reposted to Thangachiammapatti Village/the petitioner's place, on the ground that the petitioner has completed three years of service in the said village. Though, it reveals that the respondents have shown some indulgence to the third respondent to accommodate her at Thangachiammapatti Village, this court is not inclined to interfere in the order impugned in this writ petition, since the post of Village Administrative Officer cannot be kept vacant for more than a month and also considering the fact that the petitioner has completed three years of service.

7.Accordingly, this writ petition is dismissed. Considering the submission made by the petitioner's counsel that the petitioner was not paid with two months salary, there shall be a direction to



the respondents 1 & 2 to pass necessary orders in accordance with law. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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 Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Thasildar,
Ottanchatram Taluk,
Dindigul District.

+1 CC to M/s.S.KARTHIK, Advocate (SR-3572[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3730[F] dated 02/02/2022)

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