



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.03.2022**

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.22271 of 2021
W.M.P(MD).Nos.18820 and 18821 of 2021

S.Shenbagamoorthi

... Petitioner

Vs.

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

2.The Tahsildar,
Thirupuvanam Taluk,
Thirupuvanam,
Sivagangai District.

3.K.Rajeshwaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling the records of the 2nd respondent i.e. the Tahsildar, Thirupuvanam in his Na.Ka.A7/2822/2020 dated 06.12.2021 and quash the same and consequently direct the 2nd respondent i.e. the Tahsildar , Thirupuvanam to allow the petitioner to join duty at Pottapalayam Village as per proceedings No.A7/2822/2020 dated 02.12.2021 immediately without further loss of time.

For Petitioner : Mr.S.Visvalingam

For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The order of transfer dated 06.12.2021 issued by the second respondent is under challenge in the present writ petition.

2. The petitioner is working as Village Assistant.The learned counsel appearing for the petitioner mainly contended that the petitioner is being subjected to frequent transfers within the same



year. The petitioner has enclosed three transfer orders to establish that he was subjected to frequent transfer. Further, the learned counsel appearing for the petitioner made a submission that such transfers are issued on political reasons rather than administrative grounds.

WEB COPY

3. If at all such orders are issued affecting the normal performance of the employees, then such employees are at liberty to approach the District Collector under the Act. If any such complaint filed by any employee of the Panchayat, the District Collector has to conduct an enquiry and take appropriate action to protect the interest of such genuine employees, who are working for the welfare of the Institution. Contrarily, the employees cannot be unnecessarily transferred on political reasons or on extraneous consideration. Though the petitioner states that there is a political reason, the reasons are not substantiated. However, it is left open to the petitioner to submit a written representation to the District Collector setting out all the facts and circumstances leading to his frequent transfers on administrative grounds. As far as the impugned transfer order is concerned, the petitioner has been transferred to nearby place and all earlier transfer orders were also issued within the same Taluk. Hence, the High Court cannot adjudicate such reasons. It is for the Competent Authority namely the District Collector to conduct an enquiry, if the petitioner submits any explanation regarding such malafides or political influence in the matter of administrative transfer. Thus, the petitioner is at liberty to approach the Competent Authority, if any grievance exists.

4. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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



2.The Tahsildar,
Thirupuvanam Taluk,
Thirupuvanam,
Sivagangai District.

WEB COPY

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-14792[F] dated
28/03/2022)

+1 CC to M/s.SPL GP (SR-14882[F] dated 28/03/2022)

W.P.(MD) No.22271 of 2021

25.03.2022

MGJ(05.04.2022) 3P 5C