



W.P.(MD) No.762 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD) No.762 of 2017

and

W.M.P.(MD) Nos.619 & 1344 of 2017

M.Karikalacholan

... Petitioner

Vs

1.The District Collector,
Trichy.

2.The Personal Assistant (Development)
to District Collector,
Office of the District Collector, Trichy.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the 2nd respondent in Na.Ka.No.1/9408/2016 dated 10.01.2017 and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

This petition has been filed to quash the proceedings of the second respondent in Na.Ka.No.1/9408/2016, dated 10.01.2017.

2. Mr.P.Ganapathi Subramanian, learned counsel for the petitioner submitted that the petitioner was working as Panchayat Secretary at Sirumaruthur Village Panchayat, Lalgudi, from 19.11.2013. All of a sudden, he was transferred by the second respondent vide his proceedings in Na.Ka.No.1/9408/2016, dated 10.01.2017 to Jayamkondan Village Panchayat, Musiri.

3. The contention of the learned counsel for the petitioner is that the second respondent is not a competent person to order transfer. The Government Order relied on by him to effect transfer in G.O.Ms.No.72, Rural Development and Directorate of Panchayat, Panchayatraj Department (5), dated 09.07.2013 was stayed by this Court. Therefore, the petitioner's transfer is against the law and liable to be set aside.



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4. Mr.D.Gandhiraj, learned Special Government Pleader, appearing for the respondents submitted that Personal Assistant (PA) to Collector is empowered to order transfer one person from one Block to other Blocks within a district on administrative grounds. Therefore, the petitioner cannot challenge the transfer order.

5. Heard the submissions of the learned counsel for the parties and perused the records.

6. Rule 11 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 deals with 'transfer'. Rule 11(2) of the said Rules empowers the Personal Assistant (Development) to the Collector to transfer a person from one Block to other Blocks within a district on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned.

7. The submission of the learned counsel for the petitioner that the Government Order in G.O.Ms.No.72, dated 09.07.2013 was stayed by this



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Court in M.P.(MD) No.2 of 2013 in W.P.(MD) No.16884 of 2013, dated 11.10.2013 is of no relevance to the case on hand. The facts of that case are totally different from this case. In that case, the issue was temporary appointment without inviting applications from all eligible candidates. In that circumstances, this Court relied on the judgment of the Hon'ble Supreme Court in *State of Orissa vs. Mamata Mohanty* reported in (2011) 4 MLJ 692 (SC) and an interim order of stay was granted with regard to the appointment initiated, following the guidelines of the Hon'ble Supreme Court.

8. Here, in this case, the issue involved is transfer. Therefore, this Court is of the considered view that the order of this Court in M.P.(MD) No. 2 of 2013 in W.P.(MD) No.16884 of 2013 is not useful to the case of the petitioner. The impugned transfer order reads that the petitioner was transferred in the interest of administration, which in the concerned view of this Court is permitted under G.O.Ms.No.72, dated 09.07.2013 . Therefore, this Court finds no merit in the contention of the petitioner that the second respondent has no powers to order transfer. Since the petitioner was



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transferred on administrative reason, this Court finds no merit in this petition and therefore, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

27.07.2022

Index: Yes/No

Internet: Yes

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G.CHANDRASEKHARAN, J.

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