



W.P(MD)No.24649 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24649 of 2022

and

W.M.P.(MD)No.18749 of 2022

Daisy

... Petitioner

Vs.

1.The Director of Town Panchayats,
7th & 8th Floor, Urban Administrative Office Campus,
Raja Annamalaipuram,
Chennai-600 028.

2.The District Collector,
Thoothukudi,
Thoothukudi District.

3.The Assistant Director,
Town Panchayats,
N.G.O.Colony,
Tirunelveli District.

4.The Executive Officer,
Kayatharu Town Panchyat,
Thoothukudi District.

5.B.Lilli Kamalam,
Bill Collector,
Kayatharu Town Panchayat,
Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the transfer order in Na.Ka.No.4790/2022/Pa2 dated 09.09.2022 issued by the 2nd respondent in respect of the petitioner and subsequent reliving order in Na.Ka.No.167/2022 dated 12.09.2022 issued by the 4th respondent and quash the same as arbitrary, improper illegal and against rules and regulation of the respondents and consequently directing the respondents 1 to 4 to redeploy the petitioner from the Kadambur Town Panchayat in Thoothukudi District to Kayatharu Town Panchayat in Thoothukudi District as Bill Collector based on petitioner's application dated 14.09.2022.

For Petitioner : Mr.S.Saravana Kumar

For R1 to R3 : Mr.J.K.Jayaseelan
Government Advocate

For R4 : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for R1 to R3 and the learned Special Government Pleader appearing for R4.

2. By the impugned order, the petitioner who is working as Bill Collector has been transferred from Kayathar Town Panchayat to Kadambur Town Panchayat.



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3. The petitioner contends that she is a physically disabled person and that therefore, the authority ought to keep in view the norms laid down in G.O.Ms.No.2, Welfare of Differently Abled Persons (DAP-3.1) Department, dated 07.07.2021. The petitioner's counsel would strongly contend that these norms have been breached while passing the impugned order.

4. Per contra, the learned Government Advocate submitted that no interference is called for.

5. I carefully considered the rival contentions and went through the materials on record.

6. The impugned order reads that transfer has been made on administrative grounds. In such cases, applicability of the aforesaid G.O itself appears to be a bit doubtful. In any event, the norms set out in the G.O are only to guide the discretion of the authority. They may not confer any enforceable right on the employee. More than anything else, the transferred place is said to be at a distance of hardly 15 kilometers.



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7. In these circumstances, I do not deem it fit and appropriate to interfere.

It appears that the petitioner has given a representation on 14.09.2022. It is for the District Collector to dispose of the said representation on merits and in accordance with law.

8. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2022

Index : Yes / No
Internet : Yes/ No
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To

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7th & 8th Floor, Urban Administrative Office Campus,
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Chennai-600 028.
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- 4.The Executive Officer,
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G.R.SWAMINATHAN, J.

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