



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M. SUBRAMANIAM**

W.P. (MD) Nos. 26066 of 2019 and 3511 of 2020
and WMP (MD) Nos. 2978, 2979 and 2981 of 2020

R. Balamurugan ... Petitioner in both W.Ps.
Vs.

1. The Joint Director of School Education,
Office of the Joint Directorate of School Education
Personnel Department
College Road, Chennai 600 006.
... 1st Respondent in both Petitions
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul, Dindigul District.
... 2nd Respondent in
WP (MD). 26066 of 2019
3. The Joint Director (Personal Division),
Office of the Joint Director (Personal Division),
Chennai - 600 006. ... 2nd Respondent in
WP (MD). 3511 of 2020
4. K. Mariyammal ... 3rd Respondents in both W.Ps.

PRAYER in W.P. (MD) No. 26066/2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents herein to consider the representation of the petitioner dated 30.08.2019, 12.09.2019 and 26.09.2019 in person for taking departmental action for the misconduct of misappropriation, dereliction from discharging her duty and for harassing the staff for her personal gain within a reasonable time as may be fixed by this Court.

PRAYER in W.P. (MD) No. 3511/2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned transfer order of petitioner issued by the 2nd respondent in proceedings Na.Ka.No.299/A3/E1/2020 dated 21.01.2020 and the impugned re-transfer order issued to the 3rd respondent by the 2nd respondent herein in proceedings Na.Ka.No.0299/A3/E1/2020 dated 31.01.2020 quash the same and consequently direct the respondents 1 and 2 herein to forthwith continue the petitioner as Superintendent in the office of the District Educational Officer, Dindigul.



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For Petitioner : Mr.K.Appadurai (in both W.Ps)
For Respondents : Mr.G.V.Vairam Santhosh
for R1 & R2
Additional Government Pleader
Mr.Hema Karthikeyan for R3
(in both W.Ps)

COMMON ORDER

The relief sought for in W.P.(MD) No.26066/2019 is to direct the respondents to initiate action on the representation submitted by the petitioner on various dates for initiation of departmental disciplinary proceedings.

2. Perusal of the affidavit filed by the writ petitioner and also the submission made by the learned counsel for the third respondent reveals that except office work, all kind of irregular activities are being conducted by these officials in Government office. The nature of complaint against the officials reveals that they are not performing their duties and responsibilities diligently and with devotion to duty. Public servants are expected to perform their duties in a lawful manner by cooperating with other colleague public servant for the welfare of the public at large. Contrarily they pick up quarrel with each other on certain flimsy reasons and developing a personal enmity and thereafter filing a complaint and counter complaint for initiation of action. Such conduct of the public officials, never to be appreciated, but to be deprecated.

3. The counter affidavit filed by the second respondent reveals that there are several allegations both against the writ petitioner and the third respondent. The petitioner raised corruption allegation against the third respondent. The third respondent raised an allegation of sexual harassment against the writ petitioner. Both the respective counsels are arguing that the complaint given by the opposite party are false. This Court is unable to appreciate such submissions, as mere submissions in this regard are insufficient to form an opinion and an enquiry is to be conducted. Therefore, the respondents 1 and 2 are directed to look into all the complaints given by the petitioner and the third respondent and initiate all appropriate actions both under penal law and under the discipline and appeal Rules and if necessary place these officials under suspension for the purpose of conducting a fair enquiry.

4. The writ petitioner Mr.Balamurugan was transferred from Batlagundu, Dindigul District to Uthammapalayam, Theni District. The office superintendent in an office shall be transferred to any part of the State. In the present case, the petitioner has been transferred from Batlagundu, Dindigul District to Uthammapalayam,



Theni District.

5. W.P. (MD) No.4609/2021 was filed by the very same writ petitioner for initiation of disciplinary action against the third respondent, who was working as Personal Assistant to Chief Educational Officer.

6. It is apparently clear from the affidavit that the petitioner is picking up unnecessary quarrel with the other employees in the office. This being the factum, administrative transfer has been issued in proceedings dated 21.01.2020 transferring the writ petitioner from Batlagundu, Dindigul District to Uthamapalayam, Theni District.

7. In such circumstances, the authorities are bound to consider that such employees, who are all not maintaining discipline and decorum in office, are to be transferred to a far off place in the interest of public administration. If such persons are posted in the nearby place, they will make further attempt to create administrative issues on several matters. However, in the present case, the authorities issued an order transferring the writ petitioner to a nearby place. Therefore, this Court is of the considered opinion that all such public servants, who are all causing nuisance to the public administration, must be transferred on administrative grounds to a far off place in the interest of public administration.

8. In the present case, it is brought to the notice of this Court that the other employee, Personal Assistant to Chief Educational Officer, namely, the third respondent, is posted to Paramakudi. If the petitioner and the third respondent are continued to behave in this manner, then, the authorities shall take serious note of the situation and transfer the employees to a far off place and initiate appropriate action.

9. With these observations, the writ petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

RR



To

1. The Joint Director of School Education,
Office of the Joint Directorate of School Education
Personnel Department
College Road, Chennai 600 006.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul, Dindigul District.

3. The Joint Director (Personal Division),
Office of the Joint Director (Personal Division),
Chennai - 600 006.

+2 CC to M/s. K. APPADURAI, Advocate (SR-13978, SR-13977[F] dated
23/03/2022)

+1 CC to M/s. SPL GP (SR-14338, SR-14341[F] dated 24/03/2022)

W.P. (MD) Nos. 26066 of 2019
and 3511 of 2020
23.03.2022

RD(04.04.2022) 4P 7C