



W.P.(MD)No.28633 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28633 of 2022

and

W.M.P.(MD)No.22663 of 2022

S.Elumalaiyan

... Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Block Development Officer (VP),
Athoor Panchayat Union @ Sempatty,
Sempatti, Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned transfer order passed by the 1st respondent in Na.Ka.No. 4626/2022/Uo.Va.2, dated 06.12.2022 and consequential reliving order passed by the 2nd Respondent in Na.Ka.No. 4309/2022/B5 dated 09.12.2022 and quash the same as illegal.



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For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mrs.K.Christy Thebora for R1
Additional Government Pleader

Mr.G.V.Vairam Santhosh for R2
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned transfer order passed by the 1st respondent, dated 06.12.2022 and the consequential reliving order passed by the 2nd respondent, dated 09.12.2022 and to quash the same.

2. The case of the petitioner is that he was joined as Rural Welfare Officer in Pongalur Panchayat Union, Trippur District in the year 1987. Thereafter, he was posted as Block Development Officer (VP), Kodaikanal Panchayat Union, on 02.11.2020 and he was transferred to Athoor



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Panchayat Union on 14.03.2022. Now, he is working in Athoor Panchayat Union and aged about 58 years. While so, the first respondent has passed the impugned order dated 06.12.2022, transferring the petitioner to Kodaikanal Panchayat Union. Following the same, the second respondent has passed the impugned order dated 09.12.2022, relieving the petitioner from Authoor Panchayat Union. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing today, the learned Additional Advocate General appearing for the first respondent has produced the letter dated 21.12.2022, in which the District Collector, Dindigul District, Dindigul reported that the petitioner has not performed well in Authoor Village and he has not inspected the 22 Village Panchayat once in a month and he has also not taken appropriate action to complete the project in PMAY (G) and also made several allegations against the petitioner, for justifying the impugned transfer order. However, the law is settled that transfer is not a punishment and transfer is only for administrative reasons and the instruction given by the learned Additional



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Advocate General is contrary to the impugned order. The impugned order specifically stated that the transfer is purely for administrative reasons, whereas the instruction given by the Additional Advocate General is punitive in nature. Hence, the impugned orders are liable to be interfered with. Accordingly, the order passed by the first respondent dated 06.12.2022 and the order passed by the second respondent dated 09.12.2022 are quashed.

4. In the result, this Writ Petition is allowed. No costs.
Consequently, the connected Miscellaneous Petition is closed.

23.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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