



WP.No.11848 of 2020

In the High Court of Judicature at Madras

Reserved on : 08.2.2023	Delivered on : 10.2.2023
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.11848 of 2020 &
WMP.Nos.14559 and 14562 of 2020

1.A.Sivaraman
2.T.Mohana Varman
3.R.V.Venkatesan

...Petitioners

Vs

1.The Director of Rural Development
and Panchayatraj, Panagal Maligai,
Saidapet, Chennai-15.

2.The District Collector, Ranipet
District, Ranipet.

3.The District Collector, Tirupattur
District, Tirupattur.

4.Tmt.K.Chitra
Block Development Officer (VP)
Thimiri Block and Post,
Ranipet District.

5.S.Bhaskaran
Block Development Officer (VP)
Arakonam & Post, Ranipet District.

6.Tmt.Senthamarai
Superintendent/Block Development
Officer, District Development
Agency, Ranipet & Post,
Ranipet District.

...Respondents



PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the orders passed by the second respondent in Na.Ka.Pa1/4731/2020 dated 17.8.2020 and the consequential orders of the third respondent in Na.Ka.Pa1/306/2020 dated 18.8.2020 and quash the same in so far as it relates to the transfer and postings of the respondents 4 to 6 to Ranipet District.

For Petitioners :	Mr.S.Kamadevan
For Respondents 1 to 3 :	Mr.D.Ravichander, SGP
For Respondents 4 to 6 :	Mr.M.Ravi

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent in Na.Ka.Pa1/4731/2020 dated 17.8.2020 and the consequential order passed by the third respondent in Na.Ka.Pa1/306/2020 dated 18.8.2020, in so far as they relate to the transfer and posting of respondents 4 to 6 to Ranipet District.

2. The brief facts of the case are as hereunder :

(i) The case of the petitioners is that they were initially appointed as Junior Assistants recruited by the Tamil Nadu Public Service Commission. They were subsequently promoted to the post of



Assistant and to the post of Deputy Block Development Officer (for short, the DBDO). The next avenue of promotion of the petitioners is to the post of Block Development Officer (for brevity, the BDO).

(ii) The further case of the petitioners is that they were empanelled for the next promotion to the post of BDO by the second respondent through proceedings dated 29.7.2020. This empanelment pertained to the year 2020-21.

(iii) The composite Vellore District underwent trifurcation and two more new districts were carved out from Vellore District viz. Ranipet and Tirupattur Districts. This took place during November 2019. In view of the same, options were called for from the officials of the Rural Development and Panchayatraj Department. Based on the options given and the available vacancies, postings and transfer orders were passed by distributing the officials in these three districts.

(iv) After the trifurcation of Vellore District, Government Orders were issued sanctioning six posts of BDO to Ranipet District and four posts were earmarked to Tirupattur District. However, the ten newly sanctioned posts were distributed to all the three districts namely three posts to Ranipet District, four posts to Vellore District and the remaining three posts to Tirupattur District.

(v) It is also the case of the petitioners that respondents 4 to 6 exercised their option and they joined as BDOs at Tirupattur District



on 17.7.2020. The petitioners, who had opted to remain at Ranipet District, were eagerly expecting for the next promotion to the post of BDO. This is more so since respondents 4 to 6 had already opted for Tirupattur District and the vacancies were available.

(vi) Respondents 4 to 6 suppressed the fact that they joined as BDOs at Tirupattur District on 17.7.2020 and they approached this Court along with two others and filed W.P.No.9454 of 2020 etc. cases challenging their transfer to Tirupattur District. When the matter came up for hearing, it was informed to this Court that there are vacancies at Vellore and Ranipet Districts. After considering the same, this Court disposed of the writ petitions by a common order dated 22.7.2020 by issuing the following directions :

"8. The respondents/Competent Authorities are directed to consider the request of these petitioners for accommodating them, as per their preference either in Vellore or in Ranipet, as the case may be, in the available vacancies and suitable orders may be passed in that regard within a period of two weeks from the date of receipt of copy of this order. This order is passed in view of the disclosed fact that the vacancies are available in the respective Districts, as mentioned above and on that consideration this direction is issued."



(vii) Pursuant to the above order, the Director of Rural Development, through communication dated 07.8.2020, made to the District Collector, took into consideration the directions issued by this Court and directed the District Collector to take necessary action and to inform the development to him. On receipt of this communication, the District Collector, through the impugned proceedings dated 17.8.2020, posted respondents 4 to 6 back to Ranipet District. Consequential orders were also passed by the third respondent on 18.8.2020 relieving respondents 4 to 6 from Tirupattur District.

(viii) The petitioners are aggrieved by the above two orders of the second and the third respondents since the avenue of promotion of the petitioners was affected. According to the petitioners, the District Collector did not have the power or jurisdiction to pass such transfer orders.

(ix) The petitioners were aggrieved by the order passed in the earlier writ petitions since it resulted in the re-transfer of respondents 4 to 6 to Ranipet District. Hence, they filed W.A.No.612 of 2021 along with four others and it was dismissed by judgment dated 23.2.2021 and the petitioners were directed to agitate their grievance in this writ petition.

3. Heard the learned counsel appearing for the petitioners, the



learned Special Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 to 6.

4. The petitioners were admittedly holding the feeder post of DBDO at Tirupattur District. Respondents 4 to 6 were already holding the post of BDO and were originally posted at Vellore District. After trifurcation, they were transferred to Tirupattur District. The same became the subject matter of challenge before this Court and at the time of hearing the earlier writ petitions, it was informed to this Court that there were vacancies in the post of BDO at Ranipet and Vellore Districts. Hence, this Court directed the official respondents to consider accommodating respondents 4 to 6 and two others either at Vellore or at Ranipet as per their preference. This direction was acted upon and it was the Director of Rural Development, who, through the communication dated 07.8.2020, directed the District Collector to act upon the directions of this Court and to report compliance. Pursuant to the same, respondents 4 to 6 were relieved from Tirupattur District and they joined at Ranipet District during August 2020.

5. The main ground, that was raised by the learned counsel for the petitioners, is that the District Collector did not have the power or jurisdiction to pass orders and it is only the first respondent, who is vested with such a power.



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6. To substantiate this submission, the learned counsel for the petitioners relied upon the Special Rules for the Tamil Nadu Panchayat Development Subordinate Service and specifically placed reliance upon Rule 7(a) of the said Rules, which reads as follows :

*"7. Postings and Transfers :- (a)
Postings and transfers within the district shall
be made by the District Collector and from one
district to another district by the Director of
Rural Development, Madras."*

7. On carefully going through the impugned proceedings of the second and the third respondents, it is noticed that they specifically referred to the proceedings of the first respondent dated 07.8.2020 and had passed the orders. It is, therefore, clear that the orders were passed by the second and the third respondents only on the specific directions issued by the first respondent. This is perfectly in line with the Rule that has been extracted supra.

8. The second ground of attack made by the learned counsel for the petitioners is that no positive directions were issued by this Court in the earlier writ petitions and the order has been obtained by concealing the fact that respondents 4 to 6 had already joined at Tirupattur District on 17.7.2020.



9. This submission made by the learned counsel for the petitioners is not sustainable since the very transfer order passed against respondents 4 to 6 was put to challenge in the earlier writ petitions and hence, there is no question of concealing their transfer to Tirupattur District.

10. In the earlier writ petitions, this Court had issued directions only based on the fact that vacancies were available both at Vellore and at Ranipet Districts and hence, considering the fact that respondents 4 to 6 were already holding the post of BDO at the erstwhile Vellore District, their option was directed to be taken and suitable orders were directed to be passed within a period of two weeks. The subsequent orders passed by the second and the third respondents, on the direction issued by the first respondent, were in line with the directions issued by this Court in the earlier writ petitions and it cannot be said that the second and the third respondents went out of their way to help respondents 4 to 6 and accommodate them at Ranipet District.

11. In the considered view of this Court, the petitioners were holding the feeder post and they were only expecting for the next promotion to the post of BDO whereas respondents 4 to 6 were



already holding the post of BDO at the erstwhile Vellore District and they have been accommodated in the vacancies that were available at Ranipet District. The petitioners, who are yet to be promoted to the post of BDO, cannot complain about the postings given to respondents 4 to 6 merely on the expectation that they would have been promoted in the vacancies that were available at Ranipet and Vellore Districts. A relief cannot be granted on a mere anticipation and in any case, the petitioners did not have the locus standi to question the postings of respondents 4 to 6 to Ranipet District since the petitioners were not holding the cadre of BDO and they were holding only the feeder post.

12. In the light of the above discussions, this Court does not find any ground to interfere with the impugned orders passed by the second and the third respondents.

13. Accordingly, the writ petition is dismissed. Consequently, WMP.No.14562 of 2020 is also dismissed. WMP.No.14559 of 2020 is closed. No costs.

10.2.2023

To

1.The Director of Rural Development & Panchayatraj, Panagal Maligai,



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Saidapet, Chennai-15.

2.The District Collector, Ranipet District, Ranipet.

3.The District Collector, Tirupattur District, Tirupattur.

RS



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N.ANAND VENKATESH,J

RS

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