



WEB COPY



W.P.No.18090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.18090 of 2023
and
W.M.P.No.17279 of 2023

S.Murali

... Petitioner

Vs.

1.The Commissioner of Town Panchayats,
M.R.C. Nagar,
Municipal Administrative Office,
Chennai – 600 028.

2.The District Collector,
Vellore District,
Vellore.

3.The District Collector,
Dharmapuri District,
Dharmapuri.

4.The Director,
Directorate of Town Panchayats,
Chennai – 600 028.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 4th respondent in Na.Ka.No.13294/2022/Voo 3 dated 02.05.2023 and quash the same as illegal, incompetent and ultra vires and consequently direct the first



W.P.No.18090 of 2023

respondent to transfer the petitioner from the post of Record Clerk, Harur Town Panchayat, Dharmapuri District to Record Clerk, Pallikonda Selection Grade Town Panchayat, Vellore District.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 4th respondent, dated 02.05.2023, rejecting the request of transfer made by the petitioner from Harur Town Panchayat, Dharmapuri District to Pallikonda Selection Grade Town Panchayat, Vellore District.

2.The petitioner states that he was working as Record Clerk in Vellore District and he was transferred to Dharmapuri District on administrative grounds. It is the case of the petitioner that, since his mother expired and his family is also residing in Vellore and since he is also suffering from medical ailments, he is unable to travel from Vellore to Dharmapuri and therefore, the petitioner submitted his representation, dated 23.11.2012, for his re-transfer to Vellore District. However, the said representation was rejected by the 4th respondent, vide impugned order



W.P.No.18090 of 2023

dated 02.05.2023, challenging which, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate, who takes for the respondents.

4.It is seen from the impugned order that the petitioner was originally transferred from Vellore to Dharmapuri on the basis of the complaint registered against the petitioner by the Vigilance and Anti-Corruption Department for the allegation that he was found in possession of unaccounted money. Learned Government Advocate submits that, since the criminal case is still pending, as per the recommendations of the Vigilance and Anti-Corruption Department, the petitioner has been transferred to the nearby District. Thereafter, the petitioner has given the representation for re-transfer, which has been rejected by the respondents. On a perusal of the impugned rejection order, this Court is of the view that the same does not warrant interference. When the petitioner has been transferred on the recommendations of the Vigilance and Anti-Corruption Department and disciplinary proceedings are also pending, to avoid



W.P.No.18090 of 2023

tampering of evidence, the transfer has been effected. In such view of the matter, the petitioner cannot seek re-transfer as a matter of right. Transfer is an incidence of service and a condition of service, and one cannot seek transfer of his choice as a matter of right to squat on the same place for years together.

5. Therefore, I do not find any merit in this writ petition and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2023
(2/2)

mkn

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

1. The Commissioner of Town Panchayats,
M.R.C. Nagar,
Municipal Administrative Office,
Chennai – 600 028.
2. The District Collector,
Vellore District,
Vellore.



W.P.No.18090 of 2023

3. The District Collector,
Dharmapuri District,
Dharmapuri.

4. The Director,
Directorate of Town Panchayats,
Chennai – 600 028.



WEB COPY



W.P.No.18090 of 2023

N. SATHISH KUMAR, J.
mkn

W.P.No.18090 of 2023

02.08.2023
(2/2)