



W.P.No.19834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.No.19834 of 2023 &
WMP.Nos.19174 & 19176 of 2023**

R.Thamil Mozhi

... Petitioner

Vs

1. The Commissioner Treasury Accountant Department,
Nanthanam, Chennai – 35.

2. The District Treasury Officer,
O/o.District Treasury, Nagapattinam District.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned transfer Order Se.Mu.Na.Ka.21249/2022/C2 dated 28.04.2023 and quash the same [in part] and consequently direct the respondents to retain his account with the second respondent.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader



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ORDER

This Writ Petition has been filed to quash impugned transfer Order Se.Mu.Na.Ka.21249/2022/C2 dated 28.04.2023 [in part] and consequently direct the respondents to retain his account with the second respondent.

2. The grievance of the writ petitioner is that the petitioner will return from maternity leave on 09.08.2023 and even before expiry of her maternity leave, she has been transferred to Myladuthurai. It is the contention of petitioner that the authorities have not considered Section 48 of the Tamil Nadu Government Servants [Conditions of Service] Act, 2016 speaks about the transfer of husband and wife in the same station. It is the further contention of the petitioner that K.Magalingam, the petitioner, P.Subba, R.Parthiban among the four P.Subba and R.Parthiban are juniors most and if the general principles of either redeployment, lack of employment, retrenchment etc. would be arisen, the junior most persons will send of the first. However, the petitioner has been redeployed. Hence, the impugned Order has been challenged.



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3. The learned counsel appearing for the petitioner contended that the maternity leave of the petitioner will be completed on 09.08.2023. However, the proceedings dated 28.04.2023 makes it clear that she has been redeployed in the newly created district in Nagapattinam, namely, Myladuthurai and the condition of the Tamil Nadu Government Servants [Conditions of Service] Act 2016 has not been considered by the respondents.

4. I have perused entire materials. It is to be noted that as per the impugned Order, the petitioner has been redeployed to the newly created district, namely, Myladuthurai, which was part and parcel of Nagapattinam, till its bifurcation recently. Therefore, the transfer of the petitioner effected considering the experience of the petitioner to the newly bifurcated district for proper administration, this Court is of the view that the same cannot be punitive in nature. As it is stated that only on 09.08.2023, the petitioner will be joining duty after expiry of her maternity leave, the petitioner can very well join duty after expiry of her maternity leave. The distance between Myladuthurai and Nagapattinam



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is 60kms and travel time is hardly one hour. The transfer of a Government Servant is incidental in their service and when it is required for administrative grounds, the same cannot be set aside as a matter of right. Hence, there is no merits in this Writ Petition and the same is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

10.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Commissioner Treasury Accountant Department,
Nanthanam, Chennai – 35.
2. The District Treasury Officer,
O/o.District Treasury, Nagapattinam District.



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N.SATHISH KUMAR, J.

VTC

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