



W.P(MD)Nos.486 and 5296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.486 and 5296 of 2023

and

W.M.P.(MD)Nos.447, 448 and 4970 of 2023

W.P.(MD)No.486 of 2023:-

C.Anuradha

... Petitioner

Vs.

1.The Additional Chief Secretary /
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilagam, Chennai – 5.

2.The District Collector,
Tenkasi District.

3.The District Revenue Officer,
O/o. the District Revenue Officer,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Proc.No.SerV(3)/45995/2021 dated 06.12.2022 on the file of the Respondent No.1 and consequential Impugned order in



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Na.Ka.P1/466218/2022 dated 27.12.2022 on the file of the respondent No.3 and
quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

W.P.(MD)No.5296 of 2023:-

C.Anuradha

... Petitioner

Vs.

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Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilagam, Chennai – 5.

2.The District Collector,
Tenkasi District.

3.The District Revenue Officer,
O/o. the District Revenue Officer,
Tuticorin District.

4.The Revenue Divisional Officer,
Tenkasi, Tenkasi District.

5.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

... Respondents



W.P(MD)Nos.486 and 5296 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in RDOTKS/2017/2022-A4 dated 20.02.2023 on the file of the Respondent No.4 and quash the same as illegal and and consequently for a direction, directing the Respondents to permit the petitioner to rejoin duty at Melambur II Village, Tenkasi Taluk, Tenkasi District within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the Revenue Department as Village Administrative Officer in the year 2012. She was originally posted at Palaiyur Village in Alangudi Taluk in Pudukkottai District. She was later transferred to Bramadesam Village in Ambasamudram Taluk in Tirunelveli District. In the year 2017, she was transferred to Ravanamudram Village in the same taluk. An allegation was made that the petitioner received a sum of Rs.6,000/- as illegal gratification for issuing certain certificates. In this regard, charge memo



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was issued and it culminated in imposing the punishment of stoppage of increment for three years with cumulative effect. The appeal filed by the petitioner before the appellate authority was also dismissed. It has become final.

3.While so, vide proceedings dated 14.07.2022, the Commissioner, Revenue Administration and Disaster Management transferred the petitioner from Tirunelveli District to Ramanathapuram District. The District Collector, Ramanathapuram was directed to issue necessary posting order to the petitioner. The District Collector, Tirunelveli was directed to relieve the petitioner. Thereafter, the impugned proceedings dated 06.12.2022 came to the issued cancelling the earlier order and the petitioner was transferred to Thoothukudi District due to administrative reasons. The proceedings issued by the Commissioner, Revenue Administration and Disaster Management transferring the petitioner is put to challenge in W.P.(MD)No.486 of 2023. The relieving order is put to challenge in W.P.(MD)No.5296 of 2023.

4.The learned counsel for the petitioner reiterated the contentions set out in the affidavits filed in support of the writ petitions and called upon this Court to set aside the impugned orders and grant relief as prayed for.



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5.The respondents have filed counter affidavit and the learned Additional Government Pleader took me through their contents. The primary contention of the learned Additional Government Pleader is that an order of transfer cannot be characterized as punishment. He called upon this Court to bear in mind the past conduct of the petitioner. An allegation of receiving illegal gratification has been made against the petitioner and that the Director of Vigilance and Anti Corruption has suggested that the petitioner should be transferred outside Tenkasi District and posted in a non-sensitive position and that is why, the impugned order has been passed. Since the impugned orders are in public interest, he called upon this Court not to interfere with the same.

6.I carefully considered the rival contentions and went through the materials on record. The impugned orders are vulnerable on more grounds than one. Firstly, the impugned order itself reads that the petitioner will be treated as the junior most person in the seniority list maintained in Thoothukudi District. The petitioner's seniority position has been drastically affected. Thus, it has civil consequences. For Village Administrative Officers, only district-wise seniority is maintained.



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7.As pointed out by the learned counsel for the petitioner, the impugned orders would constitute double jeopardy. The petitioner was already visited with punishment and she cannot be vexed with one more adverse consequence on the same cause of action.

8.There is yet another aspect. The authority appears to be labouring under the impression that the petitioner is still working at Ravanasmudram village, where the original cause of action arise. The learned counsel for the petitioner points out that the petitioner was subsequently transferred to Melambur Part II Village and that she was no longer working in Ravanasmudram Village. The impugned orders have been passed under impression that the petitioner is still working in Ravanasmudram Village. Thus, looked at from any angle, the orders impugned in these writ petitions cannot be sustained. The transfer order as well as the relieving order are quashed and the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No



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To:-

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G.R.SWAMINATHAN, J.

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