



W.P.(MD)No.1920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1920 of 2023

and

W.P.(MD).Nos.1702 and 1703 of 2023

P.Rethnasamy

... Petitioner

Vs.

1.The Director of Agriculture Department,
O/o.the Directorate,
Chepauk,
Chennai.

2.The Director,
State Agriculture Extension Management Institute (STAMIN),
Kudukiyanmalai,
Pudukottai.

3.The Joint Director of Agriculture,
Agriculture Department,
Pudukottai.

4.A.Kumar

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Se.Mu.Order No.ANibi2/75684/2022(4), dated 23.06.2022 and quash the same and consequently direct the first respondent to transfer the petitioner from the second respondent office to the third respondent office as superintendent.

For Petitioner : Mr.N.Jeyaram Sidharth
For R1 to R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 23.06.2022 and to quash the same and consequently direct the first respondent to transfer the petitioner from the second respondent office to the third respondent office as superintendent.

2. The case of the petitioner is that he was appointed as Junior Assistant in the Seed Testing Lab, Thanjavur in the year 1999.



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Subsequently, he was transferred to Kudimiyanmalai Office, which comes under the control of third respondent in the year 2004. Thereafter, he was promoted as Assistant and placed directly in the third respondent office on 02.08.2007. Thereafter, once again he was promoted as Superintendent and transferred to Ramanathapuram office in the year 2019. Subsequently, he was transferred to the third respondent office. Once again he was transferred to second respondent office on mutual consent between the petitioner and one Arunachalam. The respondents 1 and 2 informed that transfer to the office of the third respondent will be considered on the basis of the request seniority made by the persons concerned. Hence, the petitioner has made a request to the first respondent seeking transfer from the second respondent office to the third respondent office. But the first respondent has transferred the fourth respondent to the third respondent office on 23.06.2022. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly the petitioner is working as Superintendent in the second respondent Office and he made a request to the first respondent to transfer



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him to the third respondent office. But, without considering the said request, the first respondent transferred the fourth respondent as Superintendent in the third respondent office, which is not sustainable one. Hence, he prayed for allowing this writ petition.

4. Since no adverse order is going to be passed as against the fourth respondent, notice to the fourth respondent is dispensed with.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Superintendent in the second respondent office. Thereafter, he made a request to the first respondent to transfer him from the office of the second respondent to the third respondent office. However, the fact remains that the transfer is only based on the administrative grounds. Based on the administrative grounds, the first respondent transferred the



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fourth respondent as Superintendent in the third respondent office. Merely because the petitioner made a request to the first respondent to transfer him from the second respondent office to third respondent office does not prevent the first respondent from transferring any other person to the third respondent office. The petitioner is not aggrieved by the transfer order issued in favour of the fourth respondent. Hence, the prayer sought for by the petitioner in this writ petition cannot be granted. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

01.02.2023

NCC: Yes/No

Index : Yes / No

Speaking Order : Yes / No

akv

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M.DHANDAPANI,J.

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