



W.P.(MD).No.16225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16225 of 2023

and

W.M.P(MD)Nos.13594 & 13595 of 2023

R.Manikandan

... Petitioner

Vs.

1.The Commissioner,
O/o.The Commissioner of Agricultural Marketing
and Agri Business,
Chennai – 600 032.

2.The Director of Agricultural Marketing
and Agri Business,
Karur District,
Karur.

3.R.Krishnasamy

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent vide proceedings in செ.மு.உ.தொ.ந.பி. 4/6993/2023, dated 22.06.2023 and quash the same.



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For Petitioner : Mr.S.Mohammed Suhail
for M/s.Ajmal Associates

For RR 1 & 2 : Mr.P.Thambidurai
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorari, to quash the impugned order passed by the first respondent, dated 22.06.2023.

2.Mr.P.Thambidurai, learned Government Advocate, takes notice for the respondents 1 and 2.

3.Considering the nature of the impugned transfer order in the Writ Petition, notice to the third respondent is dispensed with.

4.The petitioner was initially appointed as Assistant Agricultural Officer on 04.10.2019 at Deputy Director of Agriculture Business and Agri Marketing Office at Karur. While so, on 28.04.2023, the first respondent, on account of administrative reasons, transferred the third respondent to the place of the petitioner. Under such circumstances, without cancelling the transfer order, dated 28.04.2023 with respect to the third respondent, the first respondent vide its



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impugned proceedings dated 22.06.2023, transferred the petitioner to the office of the Deputy Director of Agriculture Business and Agri Marketing Office, Edapadi, Salem District. In the place of the petitioner, the third respondent has been transferred. It is clear from the impugned order that the third respondent has been transferred to the place of the petitioner on his own will. However, the petitioner's consent for transferring him from the present place was not sought for by the first respondent.

5.The crux of this Writ Petition is squarely covered by the order passed by this Honourable Court in ***W.P(MD)No.18714 of 2021, dated 09.09.201 (R.Srinivasan Vs. Tamil Nadu Generation and Distribution Corporation Limited and others)*** and the relevant portion of which is extracted as follows:-

"6. The impugned transfer order has been passed only to accommodate the fourth respondent who had joined duty at Ponnur/Vandavasi, Thiruvannamalai District some time only in 2020. Before displacing a person like the petitioner, the respondents ought to have obtained a consent of the petitioner. Transfers



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under the guise of administrative grounds cannot be allowed to disturb an employee contrary to the Rules”.

6. Even in this case, the impugned transfer order, dated 22.06.2023 has been passed only to accommodate the third respondent in the place of the petitioner, who is serving at Kulithalai, Karur. It is pertinent to observe that even before passing the impugned order, dated 22.06.2023, transferring the petitioner from Kulithalai, Karur to Edapadi, Salem, the first respondent vide proceedings dated 28.04.2023, on account of administrative grounds, transferred the third respondent to Thokaimalai, Karur, in a vacancy which arose on the transfer of one Mu.Venkatesan.

7. The learned Government Advocate appearing for the respondents 1 and 2 contended that since the third respondent refused to join at Thokaimalai, Karur, but wanted to join Kaulithalai, Karur, the petitioner is disturbed and the impugned order came to be passed.



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8.This Court is of the considered view that an employee cannot be allowed to be disturbed on the guise of administrative grounds for the purpose of accommodating another person contrary to the Rules. In view of the same, this Court is inclined to quash the impugned order passed by the first respondent.

9.Accordingly, the impugned order passed by the first respondent, dated 22.06.2023 is quashed and the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.07.2023

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

To

1.The Commissioner,
O/o.The Commissioner of Agricultural Marketing
and Agri Business,
Chennai – 600 032.

2.The Director of Agricultural Marketing
and Agri Business,
Karur District,
Karur.

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L.VICTORIA GOWRI, J.

ps

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