



W.P(MD)Nos.20683 & 27727 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.20683 & 27727 of 2023

and

W.M.P(MD)Nos.17110, 17112 & 23840 of 2023

W.P(MD)No.20683 of 2023:

P.Bose

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer (Village Panchayat),
Thiruppuvanam Block,
Sivagangai District.

3.The President,
Manaloor Village Panchayat,
Thiruppuvanam Block,
Sivagangai District.

4.V.Perumal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.Pi



3/2649/2023, dated 18.08.2023 in respect of the portion of order in Serial No.5 of the order transferring the petitioner from Manaloor Village Panchayat to Pattam Village Panchayat and in Serial No.6 of the order transferring the fourth respondent from Pattam Village Panchayat to Manaloor Village Panchayat, Thiruppuvanam Block, Sivagangai District and quash the same as illegal and consequently direct the second respondent to permit the petitioner to work continuously as Panchayat Secretary at Manaloor Village Panchayat, Thiruppuvanam Block, Sivagangai District.

For Petitioner : Mr.V.Thirumal

For R-1 & R-2 : Mr.G.Sivaraja
Government Advocate

For R-3 : Mr.M.Saravanan

W.P(MD)No.27727 of 2023:

Manalur Village Panchayat,
Represented by its President,
Manalur,
Thiruppuvanam Taluk,
Sivagangai District.

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer (Village Panchayat),
Thiruppuvanam,
Sivagangai District.



3.P.Bose
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W.P(MD)Nos.20683 & 27727 of 2



... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka. P3/2649/23, dated 14.08.2023 and quash the same in so far as transferring the third respondent to the petitioner Panchayat.

For Petitioner	: Mr.M.Saravanan
For R-1	: Mr.G.Sivaraja Government Advocate
For R-2	: M/s.K.Christy Theboral Additional Government Pleader
For R-3	: Mr.V.Thirumal

COMMON ORDER

W.P(MD)No.20683 of 2023 has been filed by a Panchayat Secretary challenging the order of transfer passed by the Block Development Officer, Thiruppuvanam, wherein the petitioner has been transferred from Manaloor Village Panchayat to Pattam Village Panchayat.



2. The Block Development Officer will get jurisdiction based upon the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 to effect transfer of Panchayat Secretaries. However, the said Rules have been stayed by this Court. Therefore, the order impugned in the writ petition has been passed without jurisdiction. The same is set aside.

3. Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 has been notified with effect from 13.09.2023. Therefore, on and after 13.09.2023 the Block Development Officer has got powers to effect transfer of Panchayat Secretaries. Therefore, it is left open to the BDO, Thiruppuvanam to pass any order of transfer, if he is so advised.

4. With the above said observations, the order impugned in the writ petition in W.P(MD)No.20683 of 2023 is set aside.

5. W.P(MD)No.27727 of 2023 has been filed by the Manalur Village Panchayat President challenging the order of the Block Development Officer, dated 14.08.2023 in which one Mr.Bose has been transferred from T.Velankulam to Manalur.



6. According to the learned Counsel appearing for the petitioner, the said Bose was involved in several irregularities while he was working as a Panchayat Secretary at Manalur and enquiries are pending against him in the said Panchayat. Therefore, the said Bose should not have been reappointed as a Panchayat President in the Manalur Panchayat.

7. However, it could be seen from the records that the order of transfer has been passed by the Block Development Officer on 14.08.2023 when he did not have any jurisdiction to pass such an order.

8. In view of the above said facts, the order impugned in the writ petition is set aside. The Block Development Officer, Thiruppuvanam is at liberty to pass fresh transfer orders in view of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 which came into effect from 13.09.2023. However, at the time of effecting transfer, the Block Development Officer, Thiruppuvanam shall take into consideration the representation made by the Panchayat President of Manaluar.



W.P(MD)Nos.20683 & 27727 of 2

9. With the above said observations, both the writ petitions stand allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

13.12.2023

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

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Block Development Officer (Village Panchayat),
Thiruppuvanam Block,
Sivagangai District.
- 3.The President,
Manaloor Village Panchayat,
Thiruppuvanam Block,
Sivagangai District.



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W.P(MD)Nos.20683 & 27727 of 2

R.VIJAYAKUMAR, J.

BTR

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