



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21270 of 2023

and

W.M.P(MD)Nos.17673 & 17675 of 2023

Balaguru

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

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

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

4.Kannan

... 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 impugned order of the second respondent in Na.Ka.Pi3/2649/23, dated 14.08.2023 in respect of the portion of impugned order in Serial No.12 of the order transferring the petitioner from Madapuram Village Panchayat to



Kaliyanthoor Nainar Pettai Village Panchayat and in Serial No.8 of the order transferring the fourth respondent from Kannur Village Panchayat to Madapuram 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 Madapuram Village Panchayat, Thiruppuvanam Block, Sivagangai District.

For Petitioner : Mr.V.Thirumal
for Mr.N.Ananda Padmanaban
Senior Counsel

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

For R-2 & R-3 : Mr.S.Kameswaran

For R-4 : No appearance

ORDER

The present writ petition has been filed questioning the jurisdiction of Block Development Officer (Village Panchayat) to effect an order of transfer.

2. The learned Single Judge of this Court in W.P(MD)Nos.9265 and 9305 of 2022, by an order, dated 28.10.2022 had categorically found that the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013



has been stayed by this Court and therefore, the Block Development Officer will not have any jurisdiction to effect the transfer of Village Panchayat Assistants. However, under the impugned order, the second respondent herein has effected the order of transfer, dated 14.08.2023.

3. The learned Government Advocate appearing for the first respondent brought to the notice of the Court that new Service Rules have been framed namely, the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 and they have been notified under G.O(Ms)No.113 Rural Development and Panchayat Raj (E5) Department, dated 13.09.2023 and as per the said Service Rules, the Block Development Officer has been empowered to effect the transfer orders. However, it is seen, that the present impugned order has been passed on 14.08.2023 which is one month prior to G.O(Ms)No.113, dated 13.09.2023.

4. In view of the above said reasons, the impugned transfer order is set aside on the ground that the second respondent had no jurisdiction to pass such orders. In the light of the above said facts, this writ petition stands allowed. However, the second respondent is at liberty to exercise his power under the



new Rules of the year 2023. 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,
Madapuram Village Panchayat,
Thiruppuvanam Block,
Sivagangai District.



WEB COPY



W.P(MD)No.21270 of 2

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.21270 of 2023

13.12.2023