



W.P(MD) No.12605 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD) No.12605 of 2016
and
W.M.P.(MD) No.9520 of 2016

B. Nataraj

...Petitioner

Vs.

1.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai – 600 015.

2.The Regional Joint Director of Treasuries and Accounts,
Madurai.



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3.The Treasury Officer,
District Treasury,
Collectorate,
Theni,
Theni District.

4.C. Anuja,
The Treasury Officer,
District Treasury,
Collectorate,
Theni,
Theni District.

5.The Assistant Treasury Officer,
Sub Treasury,
Bodinayakkanur,
Theni District.

6.M. Punitharani,
The Assistant Treasury Officer,
Sub Treasury,
Bodinayakkanur,
Theni District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the respondents to permit the petitioner to work as Junior Assistant (Security) at the office of the Sub Treasury, Bodinayakkanur in conformity with the order passed by the second respondent in his proceedings in Rc.No.822/A/2016-4 dated 24.06.2016 and consequently to direct the respondents to treat the period of non- employment of the petitioner as spent on duty.

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondent : Mr.P.Subbaraj, - for R1 to R3 & R5
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus to direct the respondents to permit the petitioner to work as Junior Assistant (Security) at the office of the Sub Treasury,



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Bodinayakkanur in conformity with the order passed by the second respondent in his proceedings in Rc.No.822/A/2016-4 dated 24.06.2016 and consequently to direct the respondents to treat the period of non employment of the petitioner as spent on duty within the period that may be stipulated by this Court.

2. Heard Mr.H.Mohamed Imran, learned counsel for M/s.Ajmal Associates appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents 1 to 3 and 5 and perused the material available on record.

3. The case of the petitioner is that he was working as Junior Assistant in Sub Treasury Office, Bodinayakkanur. The third respondent issued transfer proceedings, dated 09.05.2016, by transferring him to Sub Treasury Office, Theni. Aggrieved by the said transfer order, the petitioner approached the second respondent.



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The transfer order issued by the third respondent is cancelled by the second respondent in his proceedings in RC.No.822/A/2016-4, dated 24.06.2016. The petitioner filed this Writ Petition seeking a relief to continue him in the Sub Treasury Office, Bodinayakkanur, in conformity with the order, dated 24.06.2016 passed by the second respondent. The petitioner also seeking consequential relief to direct the respondents to treat the period of non-employment of the petitioner as spent on duty.

4. The learned Special Government Pleader appearing for the official respondents, basing on the counter affidavit filed on behalf of the official respondent contends that the second respondent is not a competent person to cancel the transfer order passed by the third respondent. As per Rule 10 and Annexure-II of the Tamil Nadu Ministerial Service Rules, all members of the service working in the Treasury and Sub Treasury Office in each District, the Competent Authority is the Treasury Officer concerned. The



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Regional Joint Director is entrusted the work of supervision of functions of Treasury / Sub Treasury come under its control only.

5. The learned Special Government Pleader further submits that if there is any dispute arose out of any such transfer order issued by the Treasury Officer, to revise or cancel such order, the Commissioner of Treasuries and Accounts is the competent authority.

6. Having heard the submissions of the respective counsels and upon perusal of the material available on record, it is an admitted fact that the third respondent has passed order to transfer the petitioner from Sub Treasury Office, Bodinayakkanur to Sub Treasury Office, Theni. The said order was cancelled by the second respondent vide his order, dated 24.06.2016.



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7. In the light of the Rule 10 and Annexure-II of the Tamil Nadu Ministerial Service Rules, the Treasury Officer of the concerned District is the competent authority to issue transfer order in the interest of Administration. If the petitioner has any grievance against the said order, he is at liberty to approach the Commissioner of Treasuries and Accounts seeking to revise or cancel the transfer order. But the second respondent who is the Regional Joint Director, is not the competent Authority to cancel the transfer order issued by the competent Authority who is the third respondent. As such in the considered opinion of this Court, the petitioner is not entitled for the relief sought in this Writ Petition.

8. The petitioner failed to make out any case for the interference of this Court by invoking Article 226 of the Constitution of India.

9. Accordingly, this Writ Petition is dismissed.



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10. No costs.

11. Consequently, connected miscellaneous petition is closed.

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

RM



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BATTU DEVANAND, J.

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