



WEB COPY



W.P.No.6740 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.6740 of 2020
and
W.M.P. Nos. 8008 and 8009 of 2020

P.Pown

... Petitioner

Vs.

1. The Collector,
Vellore District,
Vellore.

2. The Commissioner,
Kaveripakkam Panchayat Union,
Kaveripakkam, Vellore District.

3. G.Megavarnan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Na. Ka. No. 50/2019/PG1 dated 07.03.2020 and quash the same insofar as the petitioner's transfer is concerned.



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For Petitioner : Mr. P.Mohanraj

For Respondent : Mr. E.Vijay Anand,
Additional Government Pleader
(for R1 & R2)

No appearance (for R3)

ORDER

The instant Writ Petition has been filed challenging the transfer order dated 07.03.2020, passed by the first respondent.

2. When the Writ Petition came up for admission, an interim stay was granted upto 02.06.2020. Now, the learned counsel for the petitioner submits that, as on today, the petitioner has been continuing in the present position. He would further contend that only on 11.11.2019, she transferred to the present post, and within four months, she was again transferred to some other place, without any reason for transfer. The learned counsel would further contend that, according to the rules, for a person to be appointed as a Noon Meal Organizer, their residence should be within 3 kms from the place where they serve. Therefore, it is the contention of the petitioner that there are no grounds to transfer him.



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3. The learned Additional Government Pleader appearing for the first and second respondents would submit that, for all four years, she has been serving in the present place. He further submits that if she has grievance over the transfer order, she could submit a representation before the authorities concerned. Hence, he prayed to dismiss the Writ Petition.

4. I have given my anxious consideration to the submissions made on either side.

5. As rightly contended by the learned counsel for the petitioner, the appointment rules stipulate that a prospective candidate's residence should be within 3 kms from the place of posting. Further, the petitioner herein, being a widow, the impugned transfer order was issued within four months of joining in the present place. Though the transfer is condition of service, a sudden transfer within four months that too far away place from her residence contrary to 3 km rules. As a matter of fact, there are no justifiable ground put forth by the respondent to sustain this transfer order. As such, this Court finds some merits in favour of the petitioner.



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6. In view of the above, the impugned transfer order dated 07.03.2020 is quashed as to the extent of the present petitioner. Accordingly, the impugned transfer order dated 07.03.2020 is quashed. However, it is made clear that transfer is a condition of service, and any subsequent order passed in accordance with law and on administrative reasons, this order cannot be taken as a precedent.

7. In the result, this Writ Petition is allowed as indicated above. Consequently, the connected Miscellaneous Petitions are closed. No costs.

23.10.2024

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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Vellore District,
Vellore.
2. The Commissioner,
Kaveripakkam Panchayat Union,
Kaveripakkam, Vellore District.



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C.KUMARAPPAN, J.

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