



W.P.No.16843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16843 of 2024
and W.M.P.Nos.18523 and 18525 of 2024

Dr.S.Srinivasan

... Petitioner

Vs

1. State of Tamil Nadu,
represented by its Secretary,
Animal Husbandry, Dairy and Fisheries Department,
Fort St.George,
Chennai – 600 009.
2. The Commissioner of Animal Husbandry
and Veterinary Services,
Veterinary Hospital Campus,
Nandanam, Chennai – 600 035.
3. The Regional Joint Director,
Animal Husbandry Department,
Coimbatore – 641 001.
4. The Assistant Director,
Animal Husbandry Department,
Coimbatore Division,
Coimbatore District – 641 001.

5. C.Ilango

6. Dr.G.Abinaya

... Respondents



W.P.No.16843 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the second respondent in Na.Ka.No.20100/M2/2024 dated 11.06.2024 and Na.Ka.No.20100/M2/2024 dated 11.06.2024 and quash the same as being arbitrary.

For Petitioner	: Mr.P.Nethaji
For R1 to R4	: Mr.S.Arumugam Government Advocate
For R5 and R6	: No appearance

ORDER

This writ petition has been filed challenging the order of transfer passed by the second respondent dated 11.06.2024, thereby transferred the petitioner from Veterinary Dispensary, Coimbatore Division, Coimbatore to Veterinary Dispensary, Udthagamandalam, Nilgiris District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 perused the materials available on record. Though notice served on the sixth respondent and the name has been printed in the cause list, today, no one appeared before this Court on behalf of the sixth respondent either by person or through pleader.



W.P.No.16843 of 2024

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3. The petitioner was originally appointed as Veterinary Assistant Surgeon at Rural Veterinary Dispensary, Kullichettipalayam, Pollachi Division, Coimbatore District. After several proceedings, finally, the petitioner was transferred to Veterinary Dispensary, Veerapandi, Coimbatore Division. His wife one Dr.V.Sivaradhika is also working as Veterinary Assistant Surgeon, Veterinary Dispensary, Alanthurai, Coimbatore Division. While being so, the petitioner was transferred from Veerapandi, Coimbatore Division to Udhagamandalam, Nilgiris District.

4. The learned counsel for the petitioner would submit that the order of transfer was made in the middle of the academic year that too without following the counselling procedure as directed in G.O.Ms.No.128, dated 05.07.2006 issued by the first respondent. His wife is also working in the same division as Veterinary Assistant Surgeon. The petitioner lodged a complaint as against the fifth respondent to the second respondent alleging that the fifth respondent threatened the Veterinary Assistant Surgeon and also ill-treated them.



W.P.No.16843 of 2024

Therefore, with a malafide intention, the petitioner was transferred to Udhagamandalam, Nilgiris District.

5. On instructions, the learned Government Advocate appearing for the respondents 1 to 4 submitted that the petitioner had raised voice as against the Superior Officer and as such, the petitioner was transferred from Coimbatore Division to Udhagamandalam, Nilgiris District. That apart, the petitioner was already relieved from the post of Veterinary Assistant Surgeon, Veerapandi, Coimbatore, immediately after transfer.

6. Admittedly, the petitioner was relieved from his post and he is on medical leave. In the place of the petitioner, the 6th respondent was transferred and she had joined in the petitioner's place on 21.06.2024. Further, the petitioner was transferred in the middle of the academic year. His wife is also working as Veterinary Assistant Surgeon, Veterinary Dispensary, Alanthurai, Coimbatore Division.



W.P.No.16843 of 2024

WEB COPY

7. A perusal of records also revealed that the petitioner made a complaint as against the fifth respondent, who is working as Assistant Director. The petitioner is a Divisional Secretary of their Association called Tamil Nadu Veterinary Assistant Surgeon Association. In order to wreck vengeance as against the petitioner, now the petitioner has been transferred that too in the middle of the academic year.

8. Though there is no bar to effect transfer not by counselling, the Government passed an order in G.O.Ms.No.128, Animal Husbandry, Dairying and Fisheries (H7) Department dated 05.07.2006 ordered to implement the counselling system for transfers, so that it will benefit all the employees in Animal Husbandry Department and also it will be an open and transparent system. Accordingly, the counselling for transfer shall be followed.

9. Further, G.O.Ms.No.930 dated 26.07.1997 ordered that the transfer is not permissible when both the husband and wife are Doctors. As far as the cases where either spouse is in service other than State



W.P.No.16843 of 2024

Government or Local Body Service, the desirability of husband and wife being in the same place should, to the possible, be taken into account in making transfers. Without considering the order, the second respondent passed the impugned order, thereby transferred the petitioner.

10. It is also seen from the submissions made by the learned Government Advocate appearing for the respondents 1 to 4 that the petitioner raised voice as against the Superior Officer and as such, the transfer was effected. Therefore, it is nothing but punitive in nature that too without serving memo or charge as against the petitioner for the said allegation. The petitioner made out a case to interfere with the order passed by the second respondent.

11. In fact, the petitioner is also holding additional charge in Veterinary Dispensary, Anaikatti, Coimbatore Division. Even then, the petitioner was not paid duty allowance and as such, he made several request before the fifth respondent. However, the petitioner was ill-treated and resulted the petitioner to lodge complaint as against the fifth



W.P.No.16843 of 2024

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respondent. Therefore, the petitioner also proved the malafide intention of the fifth respondent to transfer the petitioner.

12. In view of the above, the orders passed by the second respondent cannot be sustained and liable to be quashed. Accordingly, the proceedings in Na.Ka.No.20100/M2/2024 dated 11.06.2024 and Na.Ka.No.20100/M2/2024 dated 11.06.2024 are hereby quashed. The second respondent is directed to permit the petitioner to join as Veterinary Assistant Surgeon, Veterinary Dispensary, Veerapandi, Coimbatore Division, forthwith.

13. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

23.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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W.P.No.16843 of 2024

G.K.ILANTHIRAIYAN. J.

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To

1. The Secretary,
State of Tamil Nadu,
Animal Husbandry, Dairy and Fisheries Department,
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Chennai – 600 009.
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and Veterinary Services,
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W.P.No.16843 of 2024

23.07.2024