



W.A.No.2882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.2882 of 2024

and

C.M.P.No.21231 of 2024 and C.M.P.No.22922 of 2024

- 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. ... 1st to 4th Appellants / 1st to 4th Respondents

Vs.



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1. Dr. S. Srinivasan,
Veterinary Assistant Surgeon,
Veterinary Dispensary,
24-Veerapandi,
Coimbatore Division,
Coimbatore District – 641 108. ... 1st Respondent / Petitioner

2. Thiru Dr. C. Ilango, B.V.Sc.,
Presently working as Assistant Director,
Animal Husbandry Department,
Coimbatore Division,
Coimbatore District – 641 001.

3. Dr. G. Abinaya,
Veterinary Assistant Surgeon,
Veterinary Dispensary,
Vadavaarthalaipu,
Udaiyarpalayam Taluk,
Ariyalur Division,
Ariyalur District. ... 2nd & 3rd Respondents / 5th & 6th Respondents

Prayer: Appeal under Clause 15 of the Letters Patent, against the Order dated

23.07.2024 passed in W.P.No.16843 of 2024.

For Appellants : Mr. S. Yashwanth
Additional Government Pleader

For Respondents :
For R1 : Mr. P. Nethaji

For R2 : No appearance

For R3 : Left



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JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This Intra-Court Appeal is directed against the Impugned Order dated 23.07.2024 passed by the Writ Court in W.P.No.16843 of 2024.

2. In the said writ petition, the respondents have challenged the Transfer Orders dated 11.06.2024 bearing Na.Ka.No.20100/M2/2024 passed by the 2nd appellant, namely, the Commissioner of Animal Husbandry and Veterinary Services, transferring the 1st respondent from Coimbatore to Udhagamandalam and the 3rd respondent from Ariyalur to Coimbatore region on account of administrative reasons.

3. The Writ Court, by its Order dated 23.07.2024 in W.P.No.16843 of 2024, has quashed the Impugned Transfer Orders dated 11.06.2024 passed by the 2nd appellant herein and has directed to permit the 1st respondent to join as Veterinary Assistant Surgeon in Coimbatore Division.

4. By taking note of the contents of Paragraph 5 of the Counter Affidavit filed in the above writ petition, the Writ Court had concluded that the 1st



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respondent petitioner therein being victimized by way of transfer as he had raised voice against his superiors. The Writ Court has ultimately concluded as follows:-

“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 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.”

5. Arguing the case on behalf of the appellants, the learned Additional Government Pleader for the appellants would submit that transfer is necessary and concomitant of service and therefore it is not open for the 1st respondent to question the transfers, which are on account of administrative reasons.



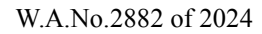
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6. That apart, it is submitted that the 2nd appellant / 2nd respondent in W.P.No.16843 of 2024 has merely transferred the 1st respondent / petitioner in W.P.No.16843 of 2024 to Udhagamandalam, Nilgiris District and not to any other District or Headquarters far away from Coimbatore District.

7. That apart, it is submitted that the 1st respondent was transferred to Udhagamandalam, Nilgiris District, as he failed to honour the instructions of the Government and started to act to suit his whims and fancies and also harassing his higher officials by taking law in his hands, due to his illegal acts, and therefore, to avoid unpleasant situation arising among the subordinates and higher officials, the Commissioner of Animal Husbandry and Veterinary Services the 2nd appellant herein transferred the 1st respondent, which is purely on account of administrative reasons, which requires no interference.

8. On the other hand, it is the contention of the 1st respondent petitioner therein in the writ petition that transfer was arbitrary and was punitive in nature and therefore the Writ Court has rightly interfered with the Transfer Order impugned therein and therefore does not warrant any interference.



10. It is admitted by both the learned Additional Government Pleader for the appellants and the learned counsel for the 1st respondent that the 1st respondent has served more than 3 ½ years in Coimbatore.

11. We have heard the learned Additional Government Pleader for the appellants and the learned counsel for the 1st respondent.

12. We are of the view, the Writ Court ought to have refrained from interfering with the transfer order as it is purely on account of administrative reasons.

13. It cannot be said that the transfer was punitive in nature. It appears that the working atmosphere was vitiated on account of the dispute raised by the 1st respondent against the 2nd respondent herein, who is his superior. Since this would have debauched the working atmosphere, the Transfer Order dated 11.06.2024 was issued to transfer the 1st respondent from Coimbatore to



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Udhagamandalam, Nilgiris District, which cannot be attributed as punitive in nature.

14. That apart, the fact remains that both the 1st respondent and his spouse have been in Coimbatore in the same Department for more than 3 years and therefore the 1st respondent was transferred.

15. Therefore, we find no reasons to sustain the Impugned Order of the Writ Court in W.P.No.16843 of 2024. Under these circumstances, the Impugned Order dated 23.07.2024 passed by the Writ Court in W.P.No.16843 of 2024, is liable to be set aside and is accordingly set aside.

16. This Writ Appeal, is thus, allowed. No costs. Connected Civil Miscellaneous Petitions are closed.

[R.S.K., J.]

[C.S.N., J.]

25.11.2024

Neutral Citation : Yes / No

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- To:
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Government of Tamil Nadu,
Animal Husbandry, Dairy and
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Chennai – 600 009.
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