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Writ Petition Nos.28471, 28475, 28479, 28482, 28486 & 28536 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.28471, 28475, 28479, 28482, 28486 & 28536 of 2024
and
W.M.P.Nos.31041, 31043, 31046, 31047, 31050, 31052, 31055, 31056,
31061, 31062, 31099 & 31100 of 2024

W.P.No.28471 of 2024

R.Raghumathullah
S/o.Razak Rawoother

... Petitioner

Vs.

1.The Director of Sericulture,
Department of Sericulture,
Nethaji Nagar, Hasthampatti,
Salem – 636 007.

2.The Assistant Director of Sericulture,
Department of Sericulture,
District Sericulture Centre,
Palani Road,
Meenakshinaickenpatti,
Dindigul – 624 002.

3.S.Megala

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the concerned records from respondents 1 and 2, quash the order of first respondent dated 08.08.2024 bearing Se.Mu.No.13025/Pa.A4/2024 insofar as transferring me from Dindigul to Javalagiri under the control



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of Assistant Director of Sericulture, Thenkanikottai and the relieving order issued by the second respondent dated 09.08.2024 bearing Na.Ka.No.1210/B/2024-3 as illegal, arbitrary and contrary to law and consequently direct the respondents to retain the petitioner as Junior Sericulture Inspector in the office of the second respondent.

For Petitioners : Mr.Balan Haridas
[in all W.Ps.] for Mr.G.Mohanakrishnan

For Respondents : Mr.R.Neelakandan,
[in all W.Ps.] Additional Advocate General
assisted by Mr.V.P.R.Elamparithi,
Additional Government Pleader
[R1 & R2]

COMMON ORDER

These writ petitions have been filed challenging the order of transfer passed by the first respondent dated 08.08.2024 and the relieving order issued by the second respondent dated 09.08.2024 and for a consequential direction to the respondents to retain the petitioners as Junior Sericulture Inspectors in the present office.

2. Heard Mr.Balan Haridas, learned counsel for petitioners and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.V.P.R.Elamparithi, learned Additional Government Pleader, appearing for respondents 1 and 2.



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3. The grievance of the petitioners is that they are all working in the post of Junior Sericulture Inspectors and many of them had joined the present station recently. According to the petitioners, all of a sudden, the transfer order came to be passed in the middle of the non-transfer period. The petitioners also have expressed a grievance that there are totally 278 vacancies available and it is totally unreasonable to pick and choose the petitioners and transfer them against the transfer policy which contemplates that no such transfer should be made during the period between 1st June and 31st March of next year. In four of the writ petitions, the petitioners have also made an application to the first respondent to the effect that the third respondent is corrupt and when it was questioned, the same led to their transfer.

4. Learned Additional Advocate General, based on written instructions received from the Director of Sericulture, submitted that totally 25 persons have been transferred to the vacant posts and out of the same, 18 have joined in the respective transfer stations. Learned Additional Advocate General submitted that the transfer order was passed in order to fill up the vacant position for the effective functioning of the department.



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5. In the considered view of this Court, the transfer order cannot be questioned on the ground of malafides since a common transfer order has been passed on 08.08.2024 wherein 25 persons have been transferred to the respective posts which are lying vacant in the respective places. The claim that such transfers cannot be made during the middle of the year by relying upon the transfer policy, is at the best directory in nature. If the transfer is warranted considering the vacancy position and for the effective functioning of the department, the same will not come in the way of the authority to pass an order of transfer. The grievance that has been expressed by the petitioners is more in the nature of hardships that will be faced by the petitioners if they are asked to leave the present station and join the transferred place. That cannot be a ground to interfere with the order of transfer.

6. In the light of the above discussion, this Court is not inclined to interfere with the order of transfer. The petitioners are directed to join in the place to which they have been transferred. After joining, it is left open to each of the petitioner to make an independent representation to the first respondent requesting for retaining them in the original station. The same will be considered by the first respondent on its own merits



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and in accordance with law and the decision shall be conveyed to the petitioners within a period of four (4) weeks from the date of receipt of the individual representations from the petitioners.

7. Learned counsel for petitioners submitted that the salaries of the petitioners have not been paid.

8. Learned Additional Advocate General submitted that he will give necessary instructions to the respondents to pay the salary that is due and payable to the petitioners immediately.

These writ petitions are disposed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

To

- 1.The Director of Sericulture,
Department of Sericulture,
Nethaji Nagar, Hasthampatti,
Salem – 636 007.
- 2.The Assistant Director of Sericulture,
Department of Sericulture,
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