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W.P.Nos.33301 & 33306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.33301 & 33306 of 2023

and

W.M.P.Nos.33041, 33043, 33047 & 33048 of 2023

Dr.R.Rengasamy Petitioner in
W.P.No.33301 of 2023

Dr.S.Selvi Petitioner in
W.P.No.33306 of 2023

Vs

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Animal Husbandry, Dairying & Fisheries Dept,
Fort St.George, Chennai – 600 009.

2. The Director,
Directorate of Animal Husbandry & Veterinary Services,
No.571, Anna Salai,
Nandanam, Chennai – 600 035.

3. The Regional Joint Director of
Animal Husbandry,
Ariyalur - 621 704.

4. The Assistant Director,
Animal Husbandry,
Ariyalur – 621 704. Respondents in both W.Ps



W.P.Nos.33301 & 33306 of 2023

Prayer in W.P.No.33301 of 2023:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent in respect of the Transfer Order in Na.Ka.No.10322/M2/2023 dated 07.10.2023 issued to the petitioner and the consequential relieving order issued by the fourth respondent in proceedings Na.Ka.No.1795/E/2023 dated 13.10.2023 and quash the same as arbitrary and consequently direct the respondents to permit the petitioner to work at Sundakudi Veterinary Dispensary.

Prayer in W.P.No.33306 of 2023:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the Transfer Order in Na.Ka.No.41985/M2/2023 dated 07.10.2023 issued by the second respondent and the consequential relieving order issued by the fourth respondent in proceedings Na.Ka.No.1794/A/2023 dated 13.10.2023 and quash the same as arbitrary and consequently direct the respondents to permit the petitioner to work at Kattuprigiyam Veterinary Dispensary.

In both W.Ps

For Petitioners : M/s.R.Maheswari
For Respondents : Mr.K.H.Ravikumar
Government Advocate

COMMON ORDER

W.P.No.33301 of 2023 has been filed challenging the order passed by the second respondent dated 07.10.2023 and the consequential relieving order dated 13.10.2023 passed by the fourth respondent,



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transferring the petitioner from Sundakudi Veterinary Dispensary, Sundakudi, Ariyalur District to Veterinary Dispensary, Neeravi, Ramanthapuram Region, Paramakudi Division, as Veterinary Assistant Surgeon.

2. W.P.No.33306 of 2023 has been filed challenging the order passed by the second respondent dated 07.10.2023 and the consequential relieving order dated 13.10.2023 passed by the fourth respondent, transferring the petitioner from Veterinary Dispensary, Kattupringiyam, Ariyalur District to Melakidaram, Ramanthapuram Region, Paramakudi Division, as Veterinary Assistant Surgeon.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The petitioners in both the petitions are husband and wife. The petitioner in W.P.No.33301 of 2023 was appointed a Veterinary Assistant Surgeon (hereinafter referred to as “VAS”) on 13.07.2007 and posted at Vilangudi, Ariyalur. He had joined the service as Veterinary Assistant Surgeon on 30.07.2007. During the technical



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meet of VASs held on 30.11.2022, the fourth respondent had demanded

illegal gratification contribution from all the VASs. It was opposed by

all the Doctors and they were not willing to accede to the illegal demand

of the fourth respondent. In fact, a complaint was lodged and the same

was registered in Crime No.2 of 2021 on the file of the Inspector of

Police, Nagapattinam, for the offences under Prevention of Corruption

Act and for the offences under Indian Penal Code. He was caught red-

handed for illegal gratification. In fact, he had joined hands with the

third respondent, who is now posted at Thiruvarur and is in additional in-

charge of Ariyalur Region. The fourth respondent was summoned for

enquiry in connection with the whatsapp message said to have been

issued by the petitioner to his colleagues in the association group.

However, he was not furnished with the whatsapp messages or any

complaint. Once again, the petitioner was served with an enquiry notice

through whatsapp message, to be conducted on 06.12.2022.

5. In the meanwhile, on request, by an order dated 07.11.2022, he was transferred . However, the third respondent with malafide motive did not permit the petitioner to join and once again a notice for enquiry was issued. The petitioner was transferred to



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Veterinary Dispensary, Kavarapattu, Chidambaram Division, Cuddalore

District. However, it was not acted upon. Thereafter, the second respondent issued show cause notice dated 18.07.2023 to the petitioner. The petitioner submitted a detailed representation to the Chief Minister's Cell. Thereafter, an enquiry was conducted, in which the petitioner along with 8 staffs. They had submitted their statement and the enquiry is pending on the file of the District Revenue Officer. On the basis of the enquiry, the fourth respondent was transferred.

6. While being so, the impugned transfer orders were passed by the second respondent on 07.10.2023, thereby transferred the petitioners to Veterinary Dispensary, Neeravi, Paramakudi Division, Ramanathapuram Region. Thereafter, the fourth respondent relieved the petitioners on 13.10.2023. The only ground raised by the petitioner is that the order of transfer is nothing but a punitive action. The petitioner lodged a complaint as against the fourth respondent and in fact, he was arrested and remanded to judicial custody in connection with the corruption case. To wreck vengeance on false allegations, he was served with a charge memo and he was issued summons to attend the enquiry.

Pursuant to the transfer of the petitioner, his wife was also transferred to



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Veterinary Dispensary, Melakidaram, Paramakudi Division,

Ramanathauram Region. Both of the petitioners were transferred in the middle of the Academic Year and they were transferred on the ground of administrative reasons.

7. A perusal of the records reveals that both the husband and wife were transferred in order to wreck vengeance against them. That apart, both the orders of transfer are punitive in nature and it cannot be sustained in law.

8. On instructions, the learned Government Advocate submitted that so far the petitioners did not join in the transferred post. At the same time, no one is posted to their earlier post.

9. In view of the above, the impugned transfer orders dated 07.10.2023 in Na.Ka.No.10322/M2/2023 and Na.Ka.No.41985/M2/2023 issued by the second respondent is hereby quashed. Accordingly, both Writ Petitions are allowed. The second respondent is directed to permit the petitioner in W.P.No.33301 of 2023 to join in the post of the Veterinary Assistant Surgeon, Sundakudi, Ariyalur District. Insofar as



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the petitioner in W.P.No.33306 of 2023 is concerned, the second respondent is directed to permit the petitioner to join in the post of Veterinary Assistant Surgeon, Kattupringiyam, Ariyalur District. Consequently, connected miscellaneous petitions are closed. No costs.

31.01.2024

Internet : Yes
Index : Yes/No
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To

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