



WP.(MD).No.267 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.267 of 2024
and
W.M.P.(MD)No.264 of 2024

M.Murugaraj

... Petitioner

Vs.

1.The Director,
Commissionerate of Land Survey & Settlement,
Chepauk, Chennai – 5.

2.The Assistant Director,
Land Survey & Records Department,
Pudukkottai District, Pudukkottai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the impugned order in Na.Ka.No.அ2/1353/2023 dated 15.12.2023 on the file of the second respondent and to quash the same.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.S.Shaji Bino Special Government Pleader

ORDER

This Writ Petition came to be filed by the petitioner, challenging the impugned order of transfer dated 15.12.2023, on



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the ground that the same has been issued violating the mandates of G.O.Ms.No.10 Personnel and Administrative Reforms Department dated 07.01.1994 and the circular of the first respondent dated 21.11.2023.

2.Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents and perused the entire materials available on record.

3.The petitioner was appointed as Draftsman in Arasarkulam Firka, Aranthangi Taluk, Pudukottai District in the year 2013. In the year 2017, the said post was re-designated as Surveyor and he served at Arasarkulam Firka, Aranthangi Taluk, Pudukottai District till 21.09.2022. On 21.09.2022, he was transferred from Arasarkulam Firka to Aranthangi Taluk. However, within a short span of one year and three months on 15.12.2023, once again the impugned order of transfer came to be passed transferring the petitioner from the Municipality office, Aranthangi Taluk, to Municipality Office, Singavanam, Manamelkudi, Pudukottai District. The said impugned order is challenged on two counts that



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the same has been issued contravening the mandates of G.O.Ms.No. 10 dated 07.01.1994 and the circular of the first respondent dated 21.11.2023.

4.The learned counsel for the petitioner vehemently submitted that the respondents ought not to have transferred the petitioner from the post of Town Surveyor, Municipality office, at Aranthangi before the completion of three years and the said exercise is in violation to the mandates of G.O.Ms.No.10 dated 07.01.1994, which requires that any transfer could be effected only on completion of three years of service in one station in a particular post. He further submitted that even vide circular dated 21.11.2023, the first respondent has issued instructions only to transfer those who have served for the period of three years in the same Firka/Town and pressed for allowing the Writ Petition.

5.Per contra the learned Special Government Pleader has filed a counter affidavit on behalf of the second respondent and submitted that the circular contemplates, to effect transfer with respect to those employees, who continue to serve within the same Firka, even if they have not completed the period of three years. In



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view of the said direction, the impugned order of transfer came to be passed and hence, it is not necessary to interfere in the same and pressed for dismissal of the writ petition.

6.A careful perusal of the records would reveal that the impugned order of transfer is not with respect to the petitioner alone. That apart, the transfer is an incident of service and the petitioner has been transferred along with 21 other Surveyors, who are serving in the district of Pudukottai.

7.At time of submission, the learned counsel for the petitioner submitted that on 02.01.2024, he was issued with an order of deputation to Pudukottai District. However, he has not joined either in Pudukottai nor in Singavanam Firka, Manamelkudi Taluk.

8.However, the learned Special Government Pleader drew the attention of this Court that this writ petition has been filed on 02.01.2024 and the petitioner has not preferred to challenge the said deputation order though he has been deputed to a longer distance in another district.



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9.In view of the above, observing that transfer is an incident of service and since the petitioner has been transferred on a departmental exigency along with 21 other Surveyors, he is bound to comply with the transfer order.

10.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Director,
Commissionerate of Land Survey & Settlement,
Chepauk, Chennai – 5.

2.The Assistant Director,
Land Survey & Records Department,
Pudukkottai District, Pudukkottai.



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L.VICTORIA GOWRI, J.

Mrn

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