



W.P.(MD).No.2679 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2679 of 2024
and W.M.P(MD)Nos.2692, 2693 of 2024

Baskaran

... Petitioner

Vs

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.

2. K.Sugantha Priya Dharshini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned transfer order of the 1st respondent made in Na.Ka. No.A2/06/2023, dated 25.01.2024 and to quash the same in so far as the petitioner is concerned and consequently to direct the 1st respondent to permit the petitioner to continue his service in the post of Senior Revenue Inspector, Ground Rent, Revenue Follow-up works, Sivagangai Division.

For Petitioner : Mr. Ajmal Khan, Senior Counsel

For Respondents : Mr.M.Siddharthan(R1)
Additional Government Pleader
No Appearance (R2)



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ORDER

The present writ petition has been filed challenging the impugned transfer order of the 1st respondent made in Na.Ka. No.A2/06/2023, dated 25.01.2024 and to quash the same in so far as the petitioner is concerned and consequently to direct the 1st respondent to permit the petitioner to continue his service in the post of Senior Revenue Inspector, Ground Rent, Revenue Follow-up works, Sivagangai Division.

2.(i).After passing Group.II examination in the year 2014, the petitioner was appointed as Assistant in the Office of Commissioner of Revenue Administration on 16.04.2014. In the year 2017, he was mutually transferred to Sivagangai District and was posted as Revenue Assistant in Thirupuvanam Taluk Office. Further, he was posted as regular Revenue Inspector in Thirupuvanam town during September, 2019. From September, 2019 to September, 2021, he worked in the Thirupuvanam town. Thereafter, he was transferred to Sivagangai Collectorate to the post of Senior Revenue Inspector on 25.10.2021. Later, he was transferred to the post of Election Assistant in Manamadurai Taluk Office during June, 2022. He was further transferred to the post of Senior Revenue Inspector, Ground Rent, Sivagangai



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Collectorate Division Office situated at Manamadurai by proceedings of the first respondent, dated 30.08.2022. After completion of Ground Rent Scheme in Manamadurai, the petitioner was posted as Senior Revenue Inspector, Ground Rent, office situated at Nattarasankottai during December, 2022. Later, he was posted as Senior Revenue Inspector, Ground Rent, office situated at Thirupuvanam on 05.12.2023.

(ii).While so, the first respondent by impugned proceedings, dated 25.01.2024, within a period of one month, transferred him to the post of Senior Revenue Inspector (Election Wing), Manamadurai Taluk Office without any valid reason. Hence, the petitioner approached the first respondent's office requesting them to withdraw his transfer order explaining his family condition. However, his request was not considered by the first respondent. Hence, he made a representation, dated 31.01.2024 to the first respondent seeking to cancel his transfer order. Now, on the strength of the impugned transfer order, the second respondent is trying to take charge of the petitioner's post. Hence, challenging the impugned transfer order, dated 25.01.2024, which was passed by the first respondent, this petition came to be filed.



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3.The learned Senior counsel for the petitioner submitted that from the month of October, 2021, the petitioner has met with several transfers within a period of three years. The present transferred place namely Manamadurai is situated at least 52 kilometres away from his residence. His son is doing his school education in Madurai and the impugned transfer order, which has been passed during the middle of academic year would cause unforeseen difficulty in shifting his family to his working place. In the meanwhile, the first respondent has re-transferred another person to the same taluk, due to their political influence. However, the petitioner's representation seeking to cancel his transfer is not considered and on that basis pressed for allowing the petition, by interfering with the impugned order.

4.Per contra, the learned Additional Government Pleader appearing for the first respondent on written instructions, submitted that in view of the letter of instruction received from the Election Commission vide letter, dated 21.01.2023, keeping in mind the forthcoming parliamentary elections, on administrative grounds, a mass transfer of 42 persons has been effected by the impugned order of transfer, dated 25.01.2024. The petitioner is not the only person, who has been transferred on administrative grounds in view of the



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forthcoming elections. That apart, on receipt of the said transfer order, promptly all the other 41 candidates/employees have duly joined duty in the transferred places. Except the petitioner, all the others have joined duty and it is only the petitioner, who has come before this Court to challenge the transfer order for the reasons known to him. Since the said transfer effected is on administrative exigency, it need not be interfered and pressed for dismissal of the writ petition.

5. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and carefully perused the materials available on record.

6. A critical perusal of the impugned order of transfer certainly reveals that it is a mass transfer effected on administrative grounds by the first respondent, in view of the forthcoming elections. As rightly submitted by the learned Additional Government Pleader, except the petitioner, all the other 41 employees, who have been transferred to the various places have duly joined duty in the transferred places.



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7.That apart, the nature of work, which is being undertaken by the petitioner is under the, Ground Rent, Scheme. Hence, after completion of, Ground Rent Scheme in a particular area automatically, the nature of the job warrants the petitioner to move to another destination, wherever, under the Ground Rent Scheme work is likely to be commenced. In view of the same, the petitioner will have to move from one destination to another destination, as and when, Ground Rent Scheme gets completed in a particular destination.

8.In the facts and circumstances of this case, this Court is of the considered view that the administrative transfers done in the course of employment should not be normally interfered by Courts. An order of transfer is a part of the service conditions of an employee, which should not be interfered ordinarily by a Court of law in exercise of its discretionary jurisdiction under Article 226, unless the Court finds that either the order is tainted by malafides or that the service rules prohibits such transfer or that the authorities, who issued the orders were not competent to pass the orders. If the impugned transfer order in this case is tested in line of the aforesaid observation, the same is duly passed on an administrative exigency, in view of the ensuing parliamentary elections. The petitioner has no vested right to



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remain posted at a place of his choice nor can he insist that he must be posted at one place or the other.

9. Though this Court is not inclined to interfere with the impugned order, on considering the submission of the learned Additional Government Pleader that the impugned transfer has been passed at the verge of the ensuing parliamentary election, the fact that the petitioner has been transferred frequently within a period of three years cannot be negated. In view of the same, this Court direct the first respondent to consider the case of the petitioner for retransferring him to any of the available vacancy in the Thirupuvanam Taluk, on completion of the ensuing election. Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.



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L.VICTORIA GOWRI, J.

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