



W.P.(MD).No.2896 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2896 of 2023

and

W.M.P(MD) Nos.2687 and 8765 of 2023

N.Anbarasu
S/o. Narasimman,
Working as
Apiarist Grade -III/Soap Chemist,
Office of Assistant Director,
Tamil Nadu Khadi Village Industries Board Campus,
Siluvathur Road,
Dindigul.

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai – 600 108.

2. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Siluvathur Road,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of Transfer on deputation passed by the first



W.P.(MD).No.2896 of 2023

respondent in Na.Ka.No.833/E2(2)/2023, dated 25.01.2023 and consequential Relieving Order passed by the second respondent in Na.Ka.No.50/2023/E, dated 31.01.2023 and quash the same.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.Raguvara Gopalan
Standing Counsel

ORDER

The instant writ petition has been filed by a Apiarist Grade -III/Soap Chemist, working in the Assistant Director Office of the Tamil Nadu Khadi Board, Dindigul, challenging the order of the deputation to the head office at Chennai.

2. According to the learned counsel appearing for the writ petitioner, in cases of deputation, previous consent of the concerned employee has to be obtained. However in the present case, the previous consent has not been obtained. He further contends that only in order to avoid the compliance of the order of this Court in W.P(MD) No.15967 of 2014, dated 24.02.2022, the impugned order of deputation has been passed.



W.P.(MD).No.2896 of 2023

WEB COPY

3. Per contra, the learned Standing Counsel appearing for the respondents submit that the previous consent of the concerned employee is required only when he is deputed to some other Department of the State or some other Institution. In the present case, the petitioner has been deputed from Dindigul Office to the head office of the Board and the question of seeking the previous consent of the writ petition would not arise. He further submits that challenging the order passed in W.P(MD) No.15967 of 2014, a writ appeal has been filed in W.A(MD) No.874 of 2022 and an order of interim stay has been granted by the Hon'ble Division Bench of this Court dated 17.08.2022. Therefore, the said contention is not legally sustainable.

4. The learned counsel appearing for the respondents had relied upon Paragraph Nos.20 and 21 of the counter affidavit to contend that it is clearly an order of transfer made on administrative exigencies. Paragraph Nos.20 and 21 of the counter affidavit, is extracted as follows:

“.....20. While so, it is pertinent to submit that the respondent Board has been functioning under



WEB COPY



W.P.(MD).No.2896 of 2023

severe financial distress for well over two decades and various government orders have been issued restricting transfers, promotions, fresh recruitment and compassionate appointment to alleviate the financial distress.

21. I submit that at present the Board is functioning with 270 staff against the necessary strength of 1988 officers required. I submit that to overcome the same, officers of the Board are being transferred by deputation from one district to another. The order of the first respondent impugned in the writ petition is one such issued in the administrative interests of the Board”.

5. Considering the above said facts, it is clear that only due to administrative exigencies the petitioner has been deputed to the head Office at Chennai and therefore, this Court does not find any reason to interfere in the order of deputation. It is made clear that the service conditions of the writ petitioner shall not be altered and the petitioner is eligible to receive City Allowance and the same shall be considered favorably.



W.P.(MD).No.2896 of 2023

WEB COPY

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

30.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai – 600 108.
2. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Siluvathur Road,
Dindigul.



WEB COPY



W.P.(MD).No.2896 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.2896 of 2023

30.08.2024