



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7569 of 2024
and
W.M.P(MD)Nos.6929 to 6931 of 2024

V.Suriya

... Petitioner

Vs.

1.The Director,
Tamil Nadu Animal Husbandry Department and Veterinary Hospital,
Coastal Aquaculture,
Nandanam, Chennai.

2.The Regional Joint Director,
Animal Husbandry Department,
Thoothukudi.

3.Dr.A.Joseph Raj,
S/o.Antony Xavier,
The Senior Doctor,
Animal Disease Investigation Division,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, by calling for the entire records pertaining to the order issued by the 1st respondent vide her proceedings in Na.Ka.No.1479/C1/2024, dated 05.03.2024 and quash the same and consequently direct the 1st respondent to pass an order re-transferring the 3rd respondent to the post of Assistant Director, Animal Disease Investigation



Division, Ramanathapuram.

For Petitioner : Mr.R.Anand
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1 & R2
Mr.G.Prabhu Rajadurai for R3

ORDER

The instant writ petition has been filed by a Lady Assistant Doctor, working in the Animal Husbandry Department, challenging the order of transfer of the third respondent herein from Ramanathapuram to Tuticorin as Chief Clinician.

2.According to the learned Counsel appearing for the writ petitioner, the petitioner has lodged a police compliant as against the third respondent herein and an FIR has been registered in Crime No.252 of 2023, dated 05.10.2023 under Sections 354A(1)(i) IPC r/w, 3(2)(va) and 3(1)(w)(i) of SC/ST Prevention of Atrocities Act, 1989. The said FIR has culminated in filing of charge sheet on 15.12.2023 before the Special Court for trial of cases under SC/ST Act(POA), Tuticorin.



3. Based upon the complaint lodged by the writ petitioner, the third respondent herein was transferred from Tuticorin to Ramanathapuram. Now, the third respondent has been re-transferred as Chief Clinician to Tuticorin. According to the petitioner, the witnesses in the criminal case will be subordinate to the third respondent herein, once he has posted as Chief Clinician at Tuticorin. Hence, he prayed for setting aside the order of transfer and keep the third respondent away from Chief Clinician post or any another post at Tuticorin, so that the witnesses will not be tampered with.

4. On instructions, the learned Additional Government Pleader appearing for the respondents pointed out that all the witnesses cited in the charge sheet except one Rosammal are under the direct control of the Assistant Director of the Animal Husbandry Department, Tuticorin Division. According to the learned Additional Government Pleader appearing for the official respondents, the witnesses in the criminal case will not be subordinate officials of the third respondent herein, in case, if he is appointed as a Chief Clinician at Tuticorin.

5. However, it is the apprehension of the writ petitioner that in case, if the third respondent is appointed as Chief Clinician at Tuticorin, he may influence the witnesses in the criminal case.



6.I have carefully considered the submission made on either side and perused the materials available on record.

7.The order of transfer of the third respondent from Ramanathapuram to Tuticorin is under challenge on the ground that the third respondent is likely to influence or tamper the witnesses in the criminal case, in view of the fact that he is going to be the superior official of the witnesses in the criminal case.

8.The written instructions submitted by the learned Additional Government Pleader reveals that except the 5th witness Rosammal, all other witnesses will be subordinate to another official namely Assistant Director of Animal Husbandry, Tuticorin Region and not subordinate to the third respondent herein. As far as the 5th witness namely Rosammal is concerned, as per charge sheet, she is a hearsay witness.

9.It is the further contention of the learned Counsel appearing for the writ petitioner, that the post of Chief Clinician is equivalent to the post of Assistant Director, which is vacant as on today, and therefore, the third respondent is likely to be appointed as in-charge Officer to the post of Assistant Director in Tuticorin.



WEB COPY

10. In view of the above said facts, this Court is inclined to pass the following order:-

i) The order of transfer which is under challenge in the present writ petition stands confirmed;

ii) In case, if the third respondent in the writ petition indulges in tampering of the witnesses, the writ petitioner is always at liberty to approach the competent authority for transferring the writ petitioner from the said place; and

iii) It is hereby directed that the third respondent shall not be appointed as an Assistant Director for the said region till the completion of the criminal trial.

11. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

04.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



WEB COPY

To

1.The Director,
Tamil Nadu Animal Husbandry Department and Veterinary Hospital,
Coastal Aquaculture,
Nandanam, Chennai.

2.The Regional Joint Director,
Animal Husbandry Department,
Thoothukudi.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P(MD)No.7569 of 2024

04.10.2024