



WP(MD)No.11441 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11441 of 2022
and
WMP(MD)Nos.8136, 12034 of 2022

G.Ramya

.. Petitioner

v.

1.The Director,
Department of Agricultural Marketing &
Agricultural Business,
Guindy, Chennai – 600 032.

2.The Deputy Director,
Department of Agricultural Marketing &
Agricultural Business,
District Collectorate, Dindigul – 624 004.

3.M.Nagaraj

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned transfer order passed by the first respondent in



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Sae.Mu.AA.No.ThoNePe.4/17658/2021 dated 28.05.2022 (received on 08.06.2022) and quash the same.

For Petitioner : Mr.Ashaiq Ismail
for Mr.T.Cibi Chakraborty

For Respondents : Mr.P.T.Thiraviam
Government Advocate
for R.1, R.2

Mr.A.Jainal Abudheen for R.3

ORDER

The petitioner has filed this writ petition challenging the order of transfer dated 28.05.2022.

2.The case of the petitioner is that she has been posted as Assistant Agriculture Officer, Ulavarsanthai Office, Dindigul, on 21.02.2020, however, within two years, on 28.05.2022, she has been transferred and posted to Sivagangai District, in violation of G.O.Ms.No.10, Personnel and Administrative Reforms Department, dated 07.01.1994. The main contention of the petitioner is that this transfer order has been passed, in order to accommodate the third respondent.



3.Learned Government Advocate, based on the counter affidavit, submitted that the petitioner is working in and around Dindigul District for about five years and therefore, she has been transferred to Sivagangai District.

4.Learned Counsel for the petitioner disputed the same and submitted that the petitioner was posted as Assistant Agricultural Officer, Gobichettipalayam, Erode on 05.06.2018. She made a transfer application on 06.06.2019 requesting to transfer her to Dindigul District. Vide proceedings dated 28.06.2019, her application for transfer was registered. From 09.10.2019 till 04.07.2020, she availed maternity leave. While so, by proceedings dated 04.02.2020, she was transferred and posted as Assistant Agricultural Officer, Ulavarsanthai Office, Dindigul and therefore, she cancelled her maternity leave, got herself relieved from Gobichettipalayam on 20.02.2020 and joined duty at Dindigul on 21.02.2020.

5.Heard the learned Counsel on either side and perused the materials placed on record.



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6.This Court, while entertaining this writ petition on 10.06.2022, has granted an order of interim stay. Pursuant to the interim order, it is reported that the petitioner is continuing in the same post.

7.Though the counter affidavit reads that the petitioner has been transferred on administrative grounds, from the impugned order of transfer, it appears that the petitioner has been transferred in order to accommodate the third respondent. In the impugned order itself, the third respondent's transfer application has been referred.

8.As per the general transfer of policy of the Government, vide G.O.Ms.No.10, Personnel and Administrative Reforms Department, dated 07.01.1994, the Government servants are generally to be transferred from one place to another only after completion of three years of service in the same station / post, however, some exemptions are allowed. In the present case on hand, the petitioner has been transferred within a period of three years from the present post / station, without there being any explicit



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reasons. In fact, it appears that the transfer order has been passed only to accommodate the third respondent.

9. Therefore, this writ petition is allowed and the impugned order of transfer dated 28.05.2022 is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No **12.11.2024**
NCC : Yes / No
Internet : Yes
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To

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B.PUGALENDHI, J.

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