



W.P.(MD).No.13278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13278 of 2024

and

W.M.P.(MD)Nos.11750, 11751, 11752 of 2024

1.Perumal

2.B.Nandhini

... Petitioners

Vs.

1.The Director General of Audit - Cum
Director of Local Fund Audit,
Local Fund Audit Department,
Audit Secretariat,
Perasiriyar Anbalagan Maligai 4th floor,
Nandanam, Chennai – 600 035.

2.The Joint Director,
O/o. Local Fund Audit Department,
Perasiriyar Anbalagan Maligai, 4th floor,
Nandanam, Chennai – 600 035.

3.The Assistant Director,
O/o. Assistant Director,
Local Fund Audit,
Town Hall,
Trichy-620 002.



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4. The Assistant Director,
O/o. Assistant Director,
Local Fund Audit,
Collectorate Campus,
Annexure Building,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders in Na.Ka. No:Pa&Ni.IT(5)114/2024 dated 14.06.2024 passed by the 2nd respondent and its consequential transfer order passed by the 1st respondent in Na.Ka.No:Pa&Ni.I(2)/22/2024 dated 15.06.2024 in so far as the 2nd petitioner alone and consequently direct the respondents 1 and 2 to follow the station seniority in the particular post or category for computing the period of three years in terms of G.O.Ms No. 10 P&AR dated 07.01.1994 and the government letter No: 23847/S/98-1 dated 05.08.1998 and to prepare seniority list afresh for the counseling of all the posts of Inspectors, Deputy Inspectors and Assistant Inspectors in Local Fund Audit Department by framing specific guidelines in consultation with or approval of appropriate State Government in accordance with rules.



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For Petitioner : Mr.VR.Shanmuganathan
Senior Counsel
For Mr.A.R.Kannappan

For Respondents : Mr.S.Shanmugavel
Additional Government Advocate

ORDER

Heard Mr.VR.Shanmuganathan, learned Senior Counsel for Mr.A.R.Kannappan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Advocate for the respondents.

2. This Writ Petition has been filed seeking to quash the order dated 14.06.2024 passed by the 2nd respondent and its consequential transfer order passed by the 1st respondent dated 15.06.2024 in so far as the 2nd petitioner alone and consequently direct the respondents 1 and 2 to follow the station seniority in the particular post or category for computing the period of three years in terms of G.O.Ms No. 10 P&AR dated 07.01.1994 and the government letter No: 23847/S/98-1 dated 05.08.1998 and to prepare seniority list afresh for the counseling of all the posts of Inspectors, Deputy Inspectors and Assistant Inspectors in



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Local Fund Audit Department by framing specific guidelines in consultation with or approval of appropriate State Government in accordance with rules.

3. Mr.VR.Shanmuganathan, learned Senior Counsel for the petitioner submitted that the writ petition as against the first petitioner is not pressed, in view of the counselling process not yet started as against him and he has filed this Writ Petition only in the anticipation of any such proceedings being passed. In view of the same, the Writ Petition as against the first petitioner is ordered to be withdrawn, however with a liberty to file a fresh Writ Petition, in case, if he gets any cause of action in this regard.

4. As far as the second petitioner is concerned, she is working as Deputy Inspector in the office of the Assistant Director of Local Fund Audit, Karur from 01.02.2024. The petitioner was instructed to participate in the transfer counseling for the year 2024. But the grievance of the petitioner is that when the petitioner was given with the intimation on 12.06.2024 in this regard, she was kept under Serial No.11



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in the list. However, in the subsequent proceedings issued in this regard on 14.06.2024, the petitioner could find herself in Serial No.29 which is last in the list.

5. Mr.VR.Shanmuganathan, learned Senior Counsel for the petitioner submitted that for this kind of transfer counselling, three years period for a person has to be calculated from the date from which the petitioner is working in a particular place irrespective of the post which he/she held in that place. Even the general policy which has to be adopted in this regard would also prescribe that three years service has to be computed from the date during which the individual was holding a post in a particular place. The earlier list issued to the petitioner on 12.06.2024 appears to have included only those persons who have completed 3 years in a particular station and hence the petitioner could have found herself in a convenient place as in Serial No.11 out of 32 persons. However, in the second proceedings on 14.06.2024, the persons who have completed 3 years service in some other station were also placed in the list and in view of that, the petitioner was pushed to Serial No.29. Though the above list which was drawn for the purpose of



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transfer counselling will not reflect the persons seniority, it would only regularize the convenience in which the persons participate in counselling, to choose a particular place in transferring counselling. For Example, if three persons prefers one particular station, then there would be some guidelines for offering the said post to one among three persons. If the list is drawn in accordance with completion of three years, then those six persons who would complete three years in a particular place alone will be in the list and hence when the counselling is conducted, it will be convenient for them to prefer any place which are available during counselling.

6. If persons complete three years of service in any other station other than the station in which the individual completes three years, then the competition will be more and it will be difficult to decide to whom to give preference among more than one person who prefers the same station as their choice for transfer. Admittedly it is not a state wide transfer counselling.



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7. However, Mr.S.Shanmugavel, learned Additional Government Advocate on instructions submitted that the counselling list will be prepared only in accordance with Station and not in accordance with the State. As per the guidelines for transfer within the Directorate, Station seniority will be the criteria for priority whereas in the case of inter Directorate transfer, service seniority will be the criteria for priority. As per the guidelines framed in respect of general transfer counselling for the post of Inspectors / Deputy Inspectors / Assistant Inspectors, the guidelines would only prescribe the completion of three years. However, it does not state anything as to how a seniority for transfer list has to be prepared whether in accordance with their date of joining or otherwise. If the petitioner claims that the Station wise seniority has to be maintained, then there should be sufficient post available in a particular Station, so as to accommodate all those persons who have completed three years of service and who are eligible to participate in the counselling. All those persons in the State who have completed three years of service in a particular post are to be included in the list and they are liable to be transferred anywhere in the State, apart from the District



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where the individual was working earlier. However, there should be clear guidelines as to how the seniority for such list should be prepared.

8. In the instant case, the guidelines are silent on the said aspect and that causes the confusion. Even in the list given on 14.06.2024, it has been specifically mentioned that the list is irrespective of the date of appointment. That means the list has been prepared as per the wishes of a person in charge of the affairs but not in accordance with any guidelines. So, in this regard, the respondents are expected to frame guidelines and give clarity to all persons participating in the counselling and release the same well in advance for the next counselling. The individuals who have participated in the transfer counselling for the year 2024 are at liberty to give request for transfer even before their completion of three years and the same shall be considered by the respondents in accordance with merits, as they have been affected in view of lack of proper guidelines.



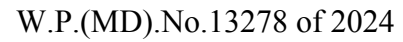
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9. In view of the above stated reasons, this Writ Petition is **disposed of** with a direction to the second petitioner to give request/representation with regard to transfer to the respondents 1 and 2, after obeying the order of transfer already passed, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 2 shall consider the same and pass appropriate orders by accommodating the second petitioner in a better place within a period of four weeks therefrom. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



1. The Director General of Audit - Cum
Director of Local Fund Audit,
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Perasiriyar Anbalagan Maligai 4th floor,
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R.N.MANJULA, J.

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