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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22825 of 2024

and

W.M.P(MD)Nos.19350 & 19351 of 2024

K.Murugalakshmi

... Petitioner

Vs

1.The Commissioner of Revenue Administration,
Revenue Administration and Disaster Management Department,
Ezhilagam,
Chepauk, Chennai – 600 005.

2.The District Collector,
O/o.the District Collector,
Madurai District,
Madurai.

3.The Personal Assistant to District Collector,
O/o.the District Collector,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai East Taluk,
Madurai.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings No. Nil dated 16.09.2024 and quash the same as illegal and consequentially to direct the respondents to permit the petitioner to go for a mutual transfer in terms of her application, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Village Administrative Officer, challenging the order passed by the second respondent herein wherein the request of the writ petitioner for mutual transfer has been rejected primarily on the ground that the petitioner has already availed the benefits of one way transfer.

2.The petitioner herein while he was working as Village Administrative Officer in Nagapattinam District had sought for one way transfer to Madurai District on personal grounds. The said request was acceded to by the authorities



and an order came to be passed on 24.06.2017 transferring the petitioner from Nagapattinam District to Madurai District by way of one way transfer. One of the conditions imposed in the said order is that the petitioner, thereafter, should not make any request for further transfer.

3.The petitioner had made a request on 29.07.2024 seeking mutual transfer to Chengalpattu District in the place of one Veera Kumar who had agreed to get himself transferred to Madurai District. This mutual transfer application was rejected under the impugned order dated 16.09.2024 citing the conditions imposed in the one way transfer order dated 24.06.2017. This order is under challenge in the present writ petition.

4.According to the learned Counsel appearing for the writ petitioner, the conditions imposed in one way transfer order would not be applicable, in cases where a mutual transfer is being sought for. He further contended that the petitioner's husband is continuously taking treatment for his heart ailments in Chennai and therefore, she would like to get accommodated nearby to Chennai to take care of her husband. In such extraordinary circumstances, the reasons assigned in the impugned order is not sustainable and hence, he prayed for allowing the writ petition.



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5.Per contra, the learned Additional Government Pleader appearing for the respondents herein relying upon Clause (4) of the one way transfer order dated 24.06.2017 had contended that after accepting the one way transfer order, the petitioner cannot seek any transfer to any another district on any another ground and such application could not be entertained. After accepting the conditions, the petitioner has availed the benefits of one way transfer and has reached Madurai District. Therefore, in violation of the undertaking given by the petitioner, she cannot again seek another transfer to Chengalpattu District. This would affect the seniority of the employees in the Chengalpattu District and therefore, such repeated request for transfer should not be entertained.

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

7.The primary ground on which the request for mutual transfer has been rejected is that the petitioner has given an undertaking and accepted the conditions at the time of one way transfer from Nagapattinam District to Madurai District that she would not seek any further transfer to any other District.



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8.A perusal of the one way transfer order dated 24.06.2017 reveals that these conditions have been imposed only for one way transfer and the said conditions cannot be projected or Kaleidoscoped for mutual transfer request.

9.Considering the fact that some medical records have been produced touching upon the heart ailment of the writ petitioner's husband, due to extraordinary circumstances, the petitioner's request could be entertained. This Court has also taken into consideration that it is not one way transfer but mutual transfer wherein one Veerakumar from Chengalpattu District has agreed to get himself transferred to Madurai District. In such circumstances, the administration is not likely to get affected by this mutual transfer order.

10.In view of the above said facts, the order passed by the second respondent herein is set aside and he is directed to forward the application of the writ petitioner to the first respondent to consider the request of the writ petitioner for mutual transfer and the first respondent is directed to pass orders on the request made by the petitioner as well as one Veerakumar for mutual transfer within a period of twelve weeks from the date of receipt of a copy of this order.



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11. With the above said deliberations, this writ petition stands allowed.

No costs. Consequently, connected miscellaneous petitions are also closed.

23.10.2024

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



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To

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R.VIJAYAKUMAR, J.

RJR

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