



W.P.No.29700 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.29700 of 2025

and

W.M.P.Nos.33313 and 33315 of 2025

R.Selvam

.... Petitioner

Vs.

1. The Director of Horticulture and Plantation Crops,
O/o.The Director of Horticulture and
Plantation Crops Department,
Chepauk, Chennai 600 005.
2. The Deputy Director of Horticulture,
O/o. The Deputy Director of Horticulture,
Tirupathur,
Tirupathur District.
3. Nagaraj
Assistant Horticulture Officer,
R.S.Mangalam Block,
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent vide his



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proceedings in Se.Mu Order No Ka.Pa.Ni 1/17502/2024 dated 01.07.2025 and the consequential impugned order passed by the 2nd respondent vide his proceedings in Se mu.Order No A / 1566/ 2025 dated 24.07.2025 and quash the same as illegal insofar as the petitioner and the 3rd respondent is concerned.

For Petitioner : Mr.H.Mohammed Imran

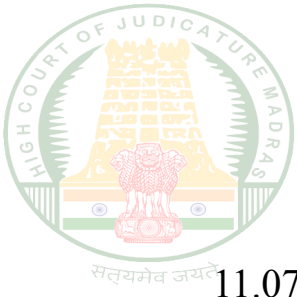
For Respondents-1 and 2 : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

ORDER

The above writ petition has been filed challenging the transfer order issued to the petitioner.

2. The facts necessary to dispose of this writ petition are herein below set out:

a) The petitioner would submit that he was initially appointed as an Assistant Horticulture Officer on 09.03.2009 and has been discharging his duties to the satisfaction of the superiors. He had joined the office of the Assistant Director of Horticulture, Jolarpettai Block, Tirupathur District as Assistant Horticulture Officer on



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11.07.2022. While so, the 1st respondent vide his proceedings dated 01.07.2025 transferred the petitioner to the office of the Assistant Director of Horticulture, R.S.Mangalam Block, Ramanathapuram District. However, no reasons have been given for the transfer. The impugned order states that the transfer was effected on the basis of consent and administrative reasons.

b) It is the contention of the petitioner that the transfer has been effected only on the request of the 3rd respondent. To accommodate the 3rd respondent under the guise of an administrative order the petitioner was transferred and the 3rd respondent was brought in his place. Therefore, he challenges the said order. He would further submit that he has to take care of his wife who has suffered a fungus infection during Covid-19 pandemic. The main ground on which the transfer is questioned is that there are no administrative exigencies and the transfer is *malafide*. Therefore, this Writ Petition has been filed.

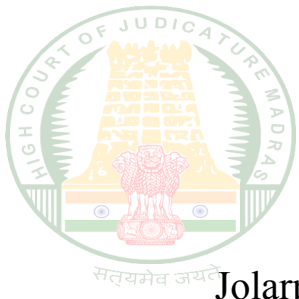


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3. The learned counsel for the petitioner would submit that a perusal of the impugned order would clearly show that the transfer has been effected on the request of the 3rd respondent. He would submit that the impugned order would read that the transfer is both on administrative grounds as well as on consent. The petitioner would submit that before completing the period of 3 years, when a transfer is sought, orders of Government have to be obtained. Therefore, the contention of the petitioner is that the transfer is a *malafide* one.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 would submit that the transfer is purely for administrative reasons. He has also produced a statement showing the places to which the petitioner was transferred at different times. The statement would reveal that originally, the petitioner was appointed at Jolarpettai, where he worked from 11.03.2009 to 31.01.2012. Thereafter, he was posted at Thagarakuppam from 01.02.2012 to 02.07.2012. Next, he served at



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Jolarpettai between 04.07.2012 and 30.06.2018. Subsequently, he was posted at Kandhili from 02.07.2018 to 10.06.2020 and continued in the same place from 10.06.2020 to 10.07.2022. Thereafter, he had once again joined at Jolarpettai on 11.07.2022 where he continued till 24.07.2025. The allegation that the transfer was made to accommodate the 3rd respondent is totally unfounded. The transfers are being effected once in 3 years and the petitioner has now been transferred after the expiry of 3 years. He has been transferred four times prior to the present transfer. Therefore, the writ petition deserves to be dismissed.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The petitioner, in his writ petition, would make it appear that he has been transferred to Jolarpettai only on 11.07.2022 and has been transferred from there. However, the statements submitted by the respondents would clearly show that the petitioner had earlier



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worked at Jolarpettai during two periods, i.e between 11.03.2009 and 31.01.2012 and from 04.07.2012 to 30.06.2018. The argument therefore that transfers are only being effected after 3 years does appear to apply to the petitioner, since a mere perusal of the list would show that he has been in a station for less than the prescribed period of 3 years. However, the petitioner has been in Jolarpettai from 11.07.2022 to 24.07.2025 which is beyond the period of 3 years. The transfer is an incident of service and the petitioner has entered the service knowing fully well that he would be subject to transfer. The petitioner had accepted all his earlier transfers without questioning the same. Therefore, with regard to the present transfer, the petitioner has not been able to make out any *malafides*.

7. Therefore, considering the fact that the transfer has been made for administrative exigencies, this Court does not deem it fit to interfere with the same. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



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To

1. The Director of Horticulture and Plantation Crops,
O/o.The Director of Horticulture and
Plantation Crops Department,
Chepauk, Chennai 600 005.
2. The Deputy Director of Horticulture,
O/o. The Deputy Director of Horticulture,
Tirupathur,
Tirupathur District.



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