



W.P.No.33446 of 2023

WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33446 of 2023

and

W.M.P.No.33215 of 2023

TamilNadu Survey Officers Union (Central)

Rep by its,

General Secretary,

Anna Kuberan having office at

Manoharan Thottam,

Thiru Vi.Ka.Nagar,Dharmapuri District – 636 903

...Petitioner

Vs

1. The Secretary to Govt.

Revenue and Disaster Management Department,

Secretariat, Fort St. George, Chennai – 600 009.

2. The Director,

Survey and Settlement-Survey House,

Chepauk, Chennai 600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents from effecting the transfers of the members of the petitioner Union in contravention of the G.O.M.S.No.10 dated 07.01.1994 of the first respondent and pass orders.

For Petitioner

: Mr.N.S. Amogn Simha

For Respondents

: Mr.P. Kumaresan, AAG Asst by

Mr.T.M.Rajanagam,GA

ORDER



W.P.No.33446 of 2023

WEB COPY

This writ petition is filed to issue Writ of Mandamus forbearing the Respondents from effecting the transfers of the members of the Petitioner's Union in contravention of the G.O.M.S.No.10 dated 07.01.1994 of the first respondent and pass orders.

2. The facts of the case is that the Petitioner's Union has been registered under Society Registration Act vide Registration No.98/1981 and approved by the Government of Tamil Nadu vide G.O.Ms.No.896 dated 26.08.1981. It is pertinent to note that all the surveyors who were working in various districts of Tamil Nadu are the members of the Petitioner's Union. The second respondent issued proceedings in Na.Ka.No.NA1/21591/2023 (NE AA) dated 26.09.2023 directing the respective Assistant Directors to transfer the Surveyors working for more than 3 years in the same Villages, Taluks and Districts. Thereafter. on 21.11.2023 the second respondent vide proceedings Na KANo. NA1/21591/2023(NE Aa) issued a direction to Assistant Directors to transfer the Surveyors workings for more than 3 years. Petitioner's Association made a request to the second respondent on 18.10.2023 wherein the issue of transfer was raised, since the children of the members who were studying SSLC and Higher Secondary School will be



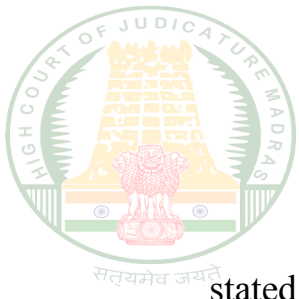
W.P.No.33446 of 2023

WEB COPY

severely affected in the middle of the academic year. A representation was given regarding the said issue on 23.11.2023 to the respondents. However, there was no progress in the said representation, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that inspite of the fact that the Petitioner's Union had made a representation to follow the G.O.M.S.No.10 dated 07.01.1994, the respondents are not following the same. He further submitted that in the above G.O it has been clearly stated that all the transfers should be effected only during the “Transfer Period” namely between the 1st April and 30th June of every year, but the respondents are violating the same. Hence, prays to allow this petition.

4. The learned Additional Advocate General has filed a counter affidavit, wherein it has been stated that they are following the guidelines issued in G.O.Ms.No.10 Personnel and Administrative Reforms (S) Department dated 07.01.1994. However, in some unavoidable circumstances, transfers are made during the non-transfer period by following the exceptions made in the said Government Order. It is further



W.P.No.33446 of 2023

WEB COPY

stated that the Petitioner's Union without submitting any representation to the respondents had directly approached this Court challenging the circular issued in Na KANo. NA1/21591/2023(NE Aa)Na.Ka.No.NA1/21591/2023 (NE AA) dated 26.09.2023 which was issued in the interest of better administration. It is pertinent to note that all the survey staffs who were issued with the transfer orders had joined in the transferred new taluks and carrying out their normal duties peacefully. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. Before advertng further it would be relevant to go through the G.O.Ms.No.10 dated 7th January 1994 and the relevant portion is extracted hereunder:

III Exceptions in the General Guideline:

(viii) These guidelines do not apply to transfers of the following types of officers/cases:-

(a) Officers of the All-India Services:

(b) Heads of Department (non I.A.S) or equivalent officers:

(c) Personal staff of the Governor, the Chief Minister and other Ministers.

(d) Government Servants in Group "D" posts.

(e) Transfers within the same office provided that a period is not allowed to continue in the same seat for more than 3 years.

(f) In cases where severe allegations are



WEB COPY



W.P.No.33446 of 2023

pending enquiry, when it is considered necessary in the public interest and sufficient in lieu of suspension, that the officer may be transferred. In that case, transfer shall be effected to a vacant posts in another station or to the post where the junior most period of the same category is working.

(g) Transfers necessitated on account of any emergency or natural calamity when existing manpower in any area is not adequate to handle the situation, or surplus manpower has to be moved out.

(viii) Cases of the following types need not be submitted to Government unless requires under any rule/other orders in force:-

(a) Mutual transfers.

(b) Request transfers to stations where vacant posts exist.

(c) Reposting on expiry of leave, on revocation of suspension, etc.,

(d) Transfers necessitates on account of promotion/reversion of the individual concerned.

However, mutual transfers and request transfers shall also be effected only during the transfer period.

7. On going through the facts of the case, it is made clear that the transfer order was issued in the 26.09.2023 and 21.11.2023 without following the Rule 1 of the G.O.Ms.No.10 dated 7th January 1994 wherein, it has been clearly stated that as a general policy all transfers shall be effected only during the “transfer period” namely between the 1st



W.P.No.33446 of 2023

WEB COPY

April and the 30th June, every year. The contention of the respondents is that in order to ensure better administration and to issue patta transfers the said transfer has been made.

8. In view of the above facts this Court directs the respondents to follow the guide lines issued in G.O.Ms.No.10 dated 7th January 1994 before issuing transfer orders, till the Government takes any new fresh decisions and passes fresh Government Order.

9. With the above observations and directions, this writ petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

08.04.2025

Index: Yes/No

Speaking order/Non-speaking order

smn

To.

1. The Secretary to Govt.

Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Director,

Survey and Settlement-Survey House,
Chepauk, Chennai 600 005.

V.BHAVANI SUBBAROYAN,J.



WEB COPY



W.P.No.33446 of 2023

smn

W.P.No.33446 of 2023
and
W.M.P.No.33215 of 2023

08.04.2025