



W.P.Nos.37280, 37286, 37291 & 37295 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.37280, 37286, 37291 & 37295 of 2025

and

W.M.P.Nos.41711, 41720, 41737 and 41730 of 2025

W.P.No.37280 of 2025

R.Subathra

... Petitioner

Vs

1.The Director of Agriculture,
No.1, Walajah Road,
PWD Estate,
Chepauk, Chennai – 600 005.

2.The Director of Horticulture and Plantation Crops,
No.1, Walajah Road,
Third Floor, Agriculture Department Complex,
PWE Estate, Chepauk, Chennai – 600 005.

3.The Deputy Director of Horticulture,
O/o.The Joint Director of Agriculture,
Panjupettai,
Kanchipuram – 631 502.

4.V.Yogeshwari
Typist,
O/o.The Deputy Director of Horticulture,
Joint Director of Agriculture Office Complex,
Collectorate, Chengalpattu – 603 001.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records
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relating to the Proceedings of the Director of Agriculture, Chennai - 600 005, the 1st respondent herein made in Proceedings No. A Nee P1/32987/2025 dated 28.08.2025, quash the same in so far as the order relating to the transfer of the petitioner in SI. No. 1 alone is concerned from the post of Typist, Office of the Deputy Director of Horticulture, Kanchipuram to Typist, Office of the Deputy Director of Horticulture, Chengalpattu and consequently direct the respondents herein to treat that the petitioner is deemed to have been continuing as Typist in the Office of the Deputy Director of Horticulture, Kanchipuram with all consequential dues such as pay and allowances, continuity of service, arrears of salary which was not given due to the impugned order of transfer and disburse all the accrued service and monetary benefits within a time frame that may be fixed by this Honble Court.

W.P.No.37286 of 2025

V.Sekar

... Petitioner

Vs

1.The Director of Agriculture,
No.1, Walajah Road,
PWD Estate,
Chepauk, Chennai – 600 005.

2.The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Lottus Colony, CIT Nagar,
Chennai – 600 035.

3.The Assistant Executive Engineer,
Agricultural Engineering Department,
No.1012/12, Karungounder,
Vallipurathanpalayam Post,
Erode District – 638 112.



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4.R.Eswari,
Junior Assistant,
O/o.The Deputy Director of Horticulture,
No.204, 1st Floor, Collectorate Annexe Building,
Collectorate Master Complex,
Namakkal – 637 003.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Proceedings of the Director of Agriculture, Chennai - 600 005, the First respondent herein made in Proceedings No. A Nee P1/32987/2025 dated 28-08-2025, quash the same in so far as the order relating to the transfer of the petitioner in SI. No.38 alone is concerned from the post of Junior Assistant, Office of the Assistant Executive Engineer, Agriculture Engineering, Erode to Junior Assistant, office of the Deputy Director of Horticulture, Namakkal and consequently direct the respondents herein to treat that the petitioner is deemed to have been continuing as Junior Assistant in the Office of the Assistant Executive Engineer, Agriculture Engineering, Erode with all consequential dues such as pay and allowances, continuity of service, arrears of salary which was not given due to the impugned order of transfer and disburse all the accrued service and monetary benefits within a time frame that may be fixed by this Honble Court.

W.P.No.37291 of 2025

A.Valarmathi

.... Petitioner

Vs

1.The Director of Agriculture,
No.1, Walajah Road,
PWD Estate,
Chepauk, Chennai – 600 005.



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2.The Director of Seed Certification and Organic Certification,
SIDCO Electronic Complex, Phase II,
2nd Floor, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

3.The Agricultural Officer,
Seed Testing Laboratory,
No.403, 4th Floor,
Salem Collectorate Complex,
Salem – 636 001.

4.The Seed Testing Officer,
Seed Testing Lab,
No.1, Venkatmpatti Road,
Virupachipuram,
Dharmapuri – 636 705.

5.A.Subha,
Typist,
O/o.The Assistant Director of Agriculture,
Integrated Agriculture Extension Centre,
Jeeva Depot Backside,
Malayalapalayam,
Nambiyur,
Erode District – 638 458.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Proceedings of the Director of Agriculture, Chennai - 600 005, the First respondent herein made in Proceedings No. A Nee P1/32987/2025 dated 28-08-2025 and the proceedings of the Seed Testing Officer, Seed Testing Lab, Dharmapuri the 4th respondent herein made in Se. Mu. Aa /1077/2025 dated 17-09-2025 quash the same in so far as the order relating to the transfer of the petitioner in SI. No. 5 alone is concerned from the post of Typist to the Office of the Agricultural Officer, Seed Testing Laboratory, Salem to the office of the Assistant Director of Agriculture, Nambiyur, Erode District and



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consequently direct the respondents herein to treat that the petitioner is deemed to have been continuing as Typist in the Office of the Agricultural Officer, Seed Testing Laboratory, Salem with all consequential dues such as pay and allowances, continuity of service, arrears of salary which was not given due to the impugned order of transfer and disburse all the accrued service and monetary benefits within a time frame that may be fixed by this Honble Court.

W.P.No.37295 of 2025

G.Gurumoorthy

... Petitioner

Vs

1.The Director of Agriculture,
No.1, Walajah Road,
PWD Estate,
Chepauk, Chennai – 600 005.

2.The Director of Horticulture and Plantation Crops,
No.1, Walajah Road,
Third Floor, Agriculture Department Complex,
PWE Estate, Chepauk, Chennai – 600 005.

3.The Deputy Director of Horticulture,
Jagir Ammapalayam,
Back to Senthil Public School,
Salem – 636 302.

4.R.Santhosh
O/o.The Deputy Director of Horticulture,
Collectorate Campus,
Dharmapuri – 636 705.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Proceedings of the Director of Agriculture, Chennai - 600 005, the 1st respondent herein made in Proceedings No. A Nee P1/32987/2025 dated



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28.08.2025, quash the same in so far as the order relating to the transfer of the petitioner in SI. No. 24 alone is concerned from the post of Junior Assistant, Office of the Deputy Director of Horticulture, Salem to Junior Assistant, Office of the Joint Director of Agriculture, Dharmapuri and consequently direct the respondents herein to treat that the petitioner is deemed to have been continuing as Junior Assistant in the Office of the Deputy Director of Horticulture, Salem with all consequential dues such as pay and allowances, continuity of service, arrears of salary which was not given due to the impugned order of transfer and disburse all the accrued service and monetary benefits within a time frame that may be fixed by this Honble Court.

For Petitioner : Mr.K.Rajkumar
(in all W.Ps)

For Respondents : Mr.M.Suresh Kumar
(in all W.Ps) Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed challenging the order of transfer, insofar as it relates to the petitioners, issued in the proceedings dated 28.08.2025.

2.The petitioners were initially selected and appointed to the posts of Typist and Junior Assistant and were allotted to the Agricultural Department, viz., the first respondent. Thereafter, they were re-allotted to the Horticulture



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Department. After sometime, the petitioners sought transfer, which was duly considered, and they were posted to the places of their choice. After completion of three years, they were once again transferred to some other place. Even before completion of three years, they were again transferred to some other place.

3.In the meantime, the first respondent prepared a panel of eligible Junior Assistants/Typists fit for promotion to the post of Assistant with reference to the crucial dates of 15.03.2023 and 15.03.2024. Thereafter, the first respondent published the promotion list of Assistants and posted them in various office on 26.05.2025. In the said proceedings, options were called for from the promotees who intended to relinquish the promotion either temporary for a period of three years or permanently, in accordance with the provisions of Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016.

4.Under these circumstances, due to family reasons, the petitioners decided not to accept the promotion to the post of Assistant and accordingly relinquished the promotion temporarily for a period of three years in accordance with Section 57(2) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, by their letter dated 29.05.2025, in order to continue in the

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same place. The said relinquishment was accepted. The petitioners had already completed more than 18 years of service at the same place. However, they have now been transferred to some other place by the impugned order dated 28.08.2025.

5.The learned counsel appearing for the petitioner assailed the impugned order of transfer on the following grounds : that the transfer order has been passed without jurisdiction ; that it is vitiated by mala fide ; and that it constitutes a colourable and arbitrary exercise of power. It is further contended that the impugned transfer is in violation of the transfer policy framed by the Government under Article 13 of the Constitution of India. He further submitted that the first respondent has mala fidely misused the request of relinquishment given by the petitioners to forego their promotion and transferred them. Though the petitioners were recruited and allotted to the Directorate of Horticulture, the Director of Horticulture is not subordinate to the Director of Agriculture. Therefore, without sending back the petitioners to their parent department, the Director of Agriculture has no jurisdiction to transfer the petitioners.

6.A perusal of the counter affidavit filed by the respondents and the submissions made by the learned Additional Advocate General reveals that the petitioners were recruited to the post of Typist/Junior Assistant by direct

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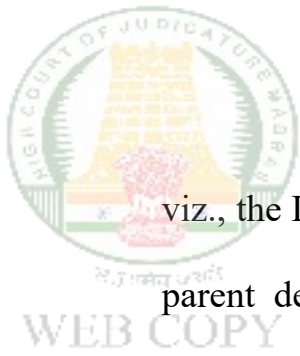
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recruitment through the Tamil Nadu Public Service Commission. Thereafter, they were promoted to the post of Assistant. However, the petitioners submitted representations seeking relinquishment of their respective promotions temporarily for a period of three years due to family circumstances, in terms of Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016. Considering the said request, the petitioners were continued in the same cadre and subsequently transferred to other places in the same post. It is further stated that a total of 119 candidates were promoted, out of whom 46 candidates relinquished their promotions and sought retention at their existing place. The petitioners have completed three years of service in the same place and, since they are holding transferable posts, they do not have any vested right to be posted at one particular place. Therefore, they were transferred in accordance with the administrative exigencies.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. Admittedly, the petitioners were transferred to some other places during the academic year. Though they were initially selected and appointed to the Department of Agriculture, thereafter, they were allotted to its sister department

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viz., the Directorate of Horticulture. Without repatriating the petitioners to their parent department, the parent department has no jurisdiction to effect their transfer. Once the petitioners were allotted to the sister department i.e., Directorate of Horticulture, any internal transfer ought to have been effected only by the Directorate of Horticulture. Therefore, the Director of Agriculture has no jurisdiction to transfer the petitioners to various place. Admittedly, the petitioners were not surrendered or repatriated to their parent department. Hence, the order of transfer is arbitrary and illegal. The Director of Horticulture is neither subordinate to the Director of Agricultural, as both are equivalent authorities. Consequently, the Director of Agriculture has exceeded his jurisdiction in issuing the impugned transfer orders relating to the petitioners.

9. Further the petitioners submitted their relinquishment letters, thereby relinquishing their promotion temporarily for a period of three years in order to continue at their existing place of posting. No prudent person would relinquish their right of promotion only to be transferred to another place. Further, the petitioners submitted their relinquishment letters dated 29.05.2025, due to their family circumstances, to stay at the very same place of posting. On the one hand, the promotion of the petitioners to the post of Assistant now cancelled and on the other hand, they were transferred to some other place, thereby denying them the opportunity to continue even in their earlier posts of Junior

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Assistant/Typist at the same place, the respondents have now acted contrary thereto. Consequently, the petitioners' legitimate expectation to continue at the same place has been defeated, rendering the impugned action arbitrary and unreasonable.

10. Further the petitioners have now been transferred in the middle of the academic year, that too after accepting their request for temporary relinquishment of promotion on condition that they were transferred to some other place. When the petitioners relinquished their right of promotion under Section 57(2) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, there was no question of imposing any such condition while accepting the relinquishment. Now, the request made by the petitioners were accepted on condition that now they have been transferred to some other place. Therefore, the order of transfer was passed with malafide intention even after accepting the petitioner's relinquishment. It is relevant to extract the provision under Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, which reads as follows :

“57. (1) Any person may, in writing, relinquish any right or privilege to which he may be entitled under this Act or the special rules if, in the opinion of the appointing authority, such relinquishment is not opposed to public interest and nothing contained in this Act or the special rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.



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(2) Relinquishment of a right or privilege for a temporary period shall be accepted if it is made for a period of not less than three years, subject to the condition that after the expiry of the said period, the claim of the right or privilege relinquished will be with reference to the state of affairs that exist on the date of expiry of the period of relinquishment and without restoration of original seniority. If relinquishment of right or privilege is made permanently and is accepted, subsequent claim of the relinquished rights or privileges shall not be entertained.”

11. Thus, it is clear that the right of relinquishment is an unfettered right and it cannot be rejected without valid reasons, temporarily or permanently. Therefore, when a Government employee submits a request for relinquishment of the right of promotion, the same is required to be accepted by the employer without imposing any condition, unless such relinquishment is opposed to public interest. In the present case, the request made by the petitioners was accepted on condition that they would be transferred to some other place. Further, it is not the case of the respondent that the request of relinquishment made by the petitioners was opposed to public interest. Therefore, the respondents are bound to accept the request of the petitioner to relinquish their right of promotion without any condition.

12. In fact, the petitioners made request to relinquish their promotion only for the purpose of continuing in their existing place of posting. Further the Additional Advocate General submitted that out of four petitioners, three



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petitioners were already relieved from their existing places. In this regard, the learned counsel for the petitioner relied upon the Judgment of the Hon'ble Supreme Court of India that this Court had already granted stay, which continues to be in force, and merely because the petitioners were already relieved, it cannot be construed that the transfer order has been given effect to. Therefore, the contention raised by the learned Additional Advocate General cannot be accepted and the order of transfer of the petitioners are concerned, it cannot be sustained and is liable to be quashed.

13.In view of the above, the order of transfer dated 28.08.2025 issued by the first respondent is hereby quashed. The concerned respondents are directed to permit the petitioners to continue their respective existing posts at their present places of posting forthwith.

14.In the result, these writ petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation :Yes/No

Index:Yes/No

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8.The Seed Testing Officer,
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