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W.P.No.42505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM:

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

W.P.No.42505 of 2025
and W.M.P.Nos.47572 & 47578 of 2025

C.Diwakar

...Petitioner

-Vs-

1. The Commissioner and Director,
Animal Husbandry and Veterinary Services,
Veterinary Hospital Compound,
Integrated Animal Husbandry and
Fisheries Department Complex,
No.571, Anna Salai, Nandanam,
Chennai – 600 035.

2. The Additional Director (Veterinary Services),
O/o. The Commissioner and Director of
Animal Husbandry and Veterinary Services,
Veterinary Hospital Compound,
Integrated Animal Husbandry and
Fisheries Department Complex,
No.571, Anna Salai, Nandanam,
Chennai – 600 035.

3. The Deputy Director of Animal Husbandry,
Cattle Breeding and Fodder Development,
Chitlapakkam Main Road,
Chitlapakkam,
Chennai – 600 064.



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4. The Assistant Director of Animal Husbandry,
Veterinary Hospital Compound,
Mysore Road, Gudalur – 643 211,
The Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Additional Director of Animal Husbandry (Veterinary Services), Chennai, the second respondent herein made in Na.Ka.No.40489/MaPa-15/2025 dated 06.10.2025 and the consequential proceedings issued by the Deputy Director of Animal Husbandry, Cattle Breeding and Fodder Development, Chitlapakkam, Chennai, the third respondent herein made in Na.Ka.No.989/A/2025 dated 31.10.2025, quash the same and direct the respondents herein that the petitioner is deemed to have been continuing in the post of Junior Assistant in the office of the Deputy Director of animal Husbandry, Cattle Breeding and Fodder Development, Chitlapakkam, Chennai, with all consequential service benefits such as pay and allowances, arrears of salary if any which has been withheld due to the passing of impugned order of transfer and consequently disburse all the accrued arrears within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

This writ petition has been filed challenging the order dated 06.10.2025, passed by the second respondent herein and consequential order passed by the third respondent herein dated 31.10.2025, thereby transferring the petitioner from Chitlapakkam, Chengalpattu District to the office of the Assistant Director, Gudalur, the Nilgiris District.

2. The petitioner is working as Junior Assistant in the office of the Deputy Director of Animal Husbandry, Cattle Breeding and Fodder Development, Chitlapakkam, viz., third respondent herein. While being so, the petitioner has been transferred from the office of the third respondent to the fourth respondent's office viz., the Assistant Director, Gudalur, the Nilgiris District. Challenging the said transfer order the petitioner filed the present writ petition.

3. The learned counsel appearing for the petitioner challenged the order of transfer on three grounds. The first one is that the second respondent has no jurisdiction to pass order of transfer. Secondly, the order of transfer is vitiated by malafides and the last ground is that the



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impugned order of transfer is in violation of norms fixed by the government. He further submitted that the petitioner filed another writ petition in W.P.No.14045 of 2022 seeking all attendant benefits from the date of this appointment i.e., from 06.02.2008. This Court by an order dated 04.01.2024, disposed the said writ petition with a direction to the first respondent herein to pass appropriate order in view of the observations made by this Court, within a period of four weeks. However, that order was not complied with. Therefore, the petitioner issued a contempt notice to the respondents on 25.02.2025. Therefore, the petitioner was openly challenged that he will be transferred to far away place. Accordingly, now the petitioner has been transferred from Chennai to the Nilgiris District.

3.1. The learned counsel appearing for the petitioner relied upon the guidelines to be followed while effecting transfer of government servant. Accordingly, in the case of junior officials like Junior Assistants, Typists, Assistants and Drivers, transfer to a different station may be generally considered only if there is no other suitable post in the same station to accommodate them. Hence, he prayed to allow this Writ Petition.



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4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the records, it is revealed that there are vacancies available near Chennai in the districts of Chengalpattu, Kacheepuram and Thiruvallur District. However, it was not considered and the petitioner has been transferred from Chennai to the Nilgiris district. Further the second respondent passed the order of transfer and he has no jurisdiction to transfer the petitioner from one revenue district to another revenue district. Annexure-II of the Tamil Nadu Ministerial Service Rules related to the Animal Husbandry Department states that in respect of the post of Junior Assistants and Typists, the competent authority to make transfer is the Appointing Authority viz., the Joint Director of Animal Husbandry headed by each district. Further, when the Junior Assistant is transferred from one appointing authority to another appointing authority, the transferring authority shall be the Director of Animal Husbandry viz., the first respondent herein. However, the impugned transfer order has been passed by the second respondent.



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Though the transfer order referred the proceedings of the first respondent dated 26.09.2025, it is not an order of transfer. Further, the place in which, the petitioner has been working is lying vacant till today. Therefore, the petitioner full filed all the three ground to set aside the impugned orders viz., the order of transfer is passed without jurisdiction and is vitiated by malafides and is against the transfer norms prescribed by the government.

6. In view of the above discussions, the order of transfer cannot be sustained and is liable to be set aside. Accordingly, the order passed by the second respondent dated 06.10.2025, in Na.Ka.No.40489/MaPa-15/2025 and the consequential proceedings issued by the third respondent in Na.Ka.No.989/A/2025 dated 31.10.2025, are hereby set aside. The third respondent is directed to permit the petitioner to continue him in the post of Junior Assistant in the office of the third respondent, with all consequential service benefits, forthwith.



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7. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

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