



W.P.(MD).No.2141 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2141 of 2025

and

W.M.P.(MD).Nos.1508 & 1510 of 2025

S.Shanmugavalli

... Petitioner

Vs

1. The Chief Secretary to the Government,
Personnel and Administrative,
reforms Department,
Secretariat St. George Fort,
Chennai.

2. The District Collector,
Sivaganagai District,
Sivagangai.

3. The Block Development Officer,
Sivagangai District,
Sivagangai.

4. K.Idayakannan

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 13.01.2025 in Na.Ka.P3/170/2023 issued by the third respondent and quash the same as illegal and consequentially directing the third respondent to Execute the transfer order dated 02.01.2025 in Na.Ka.B3/170/2023 issued by the third respondent and permit the petitioner to join duty immediately at Alangudi Panchayat.

For Petitioner	: M/s.Chamundi Boss
For Respondent Nos.1 & 2	: Mr.A.Baskaran Additional Government Pleader
For Respondent No.3	: Mr.D.S.Nedunchezhiyan Government Advocate

ORDER

The instant writ petition has been filed by a Panchayat Secretary working in the Ilangudi Panchayat, Kallal Group, Sivagangai District, challenging the order passed by the third respondent herein on 13.01.2025.

2. A perusal of the records reveal that the petitioner who was working as a Panchayat Secretary at Ilangudi Panchayat was transferred to Alangudi Panchayat by the order of the third respondent dated 02.01.2025.



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3. According to the learned Counsel appearing for the writ petitioner, she has accepted the said transfer order and joined there on 10.01.2025. Therefore, 13.01.2025 order, which relieves her from the post of Panchayat Secretary with a direction to approach the second respondent for getting posting orders is illegal.

4. Per contra, the learned Additional Government Pleader, on instructions and relying upon the proceedings of the third respondent dated 07.01.2025 had contended that there was an objection to the appointment of the writ petitioner to Ilangudi Panchayat and therefore the said transfer order was cancelled. The petitioner was issued with a fresh transfer order from Ilangudi Panchayat to Koothalur Panchayat by way of proceedings dated 07.01.2025 and the petitioner has also received the said transfer order. However, the petitioner has not chosen to join in the Koothalur Panchayat, despite receiving the transfer order. In view of the above said attitude of the writ petitioner, the present impugned order has been passed by the third respondent on 13.01.2025, relieving her from duties with a direction to approach the second respondent for getting posting orders.



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5. The facts captured above will clearly indicate that the transfer order issued in favour of the writ petitioner on 02.01.2025 to Alangudi Panchayat has been cancelled and the petitioner has been transferred to Koothalur Panchayat. It is the contention of the learned Counsel appearing for the writ petitioner that, the order dated 07.01.2025, transferring her to Koothalur Panchayat has not been served upon her. According the learned Counsel appearing for the writ petitioner, a copy of order dated 07.01.2025 has been furnished to the petitioner only in the Court.

6. In such circumstances, she prayed for granting liberty to challenge the order dated 07.01.2025. The order impugned in this writ petition can only be treated as a relieving order of writ petitioner to enable her to join at Koothalur Panchayat. Therefore, the said order cannot treated to be an adverse order. In such circumstances, it is open to the writ petitioner, either join at Koothalur Panchayat or challenge the order dated 07.01.2025.



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7. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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