

W.P.(MD)Nos.4065 and 3402 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)Nos.4065 and 3402 of 2025

and

W.M.P(MD)Nos.2915 of 2025, 403 and 2404 of 2025

In WP(MD)No.4065 of 2025:

M.Nagaraj

... Petitioner

Vs.

1.The Director,
Department of Agricultural Marketing and Agri Business,
Guindy,
Chennai -600 032.

2.The Deputy Director,
Department of Agricultural Marketing and Agri Business,
District Collectorate,
Dindigul – 624 004.

3.R.Murugaiah,
Kuttiyapatti Village,
Athoor Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from disturbing the petitioner from the present post ie.,Assistant Agricultural Officer (Agri Business), Sanarpatti Block, Dindigul District.



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For Petitioner : Mr.S.Visvalingam
For R1 & R2 : Mr.D.Sachi Kumar
Additional Government Pleader

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In W.P.(MD)No.3402 of 2025

R.Murugaiah

... Petitioner

Vs.

1.The Director,
Department of Agricultural Marketing and Agri Business,
Guindy,
Chennai -600 032.

2.The Deputy Director,
Department of Agricultural Marketing and Agri Business,
District Collectorate,
Dindigul – 624 004.

3.M.Nagaraj,
S.Pudur (Agricultural Business)
Office of the Deputy Director of Agricultural Marketing
and Agricultural Business,
Sivagangai, Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned transfer orders issued by the first respondent vide impugned proceedings in Se.Mu.Aanai.N.Tho.Ni.Pi4/37485/2023-1, dated 27.01.2025 and Se.Mu.Aanai. No. Tho.Ni.Pi4/37482/2023-2, dated 27.01.2025 and quash the same.

For Petitioner : Mr.T.Cibichakraborty
For R1 & R2 : Mr.D.Sachi Kumar
Additional Government Pleader
For R3 : Mr.S.A.Ajmal Khan



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COMMON ORDER

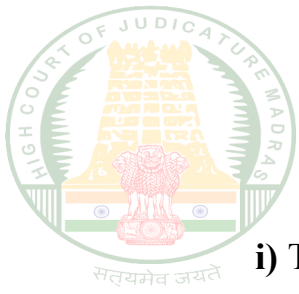
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WP(MD)No.3402 of 2025 is filed against the proceedings dated 27.01.2025 issued by the first respondent wherein the petitioner has been transferred and posted as the Assistant Agricultural Officer in S.Pudur (Agricultural Business), the office of the Deputy Director, Department of Agricultural Marketing and Agriculture Business, Sivagangai District in the place of the third respondent.

WP(MD)No.4065 of 2025 is filed to forbear the respondents from disturbing the petitioner from the present place i.e Sanarpatti Block, Dindigul District.

2. The petitioner in WP(MD)No.3402 of 2024 is the third respondent in WP(MD)No.4065 of 2025. The petitioner in WP(MD)No.4065 of 2024 is the third respondent in WP(MD)No.3402 of 2025.

3. For convenience, the status of the parties in WP(MD)No.3402 of 2025 will be referred herein under:



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i) The petitioner was working at Sanarpatti Block Dindigul District as the Assistant Agricultural Officer. He was transferred to S.Pudur, Sivagangai District and the third respondent, who is working at S.Pudur Sivagangai District was transferred to Sanapathi Block Dindigul District vide proceedings dated 27.01.2025 of the first respondent.

ii) The case of the petitioner is that while he was working at Vadamadurai, Dindigul District in the year 2020, he was diagnosed with heart disease and underwent Angioplasty surgery. Thereafter, on his request, he was transferred and posted at Sanapatti Block, Dindigul District vide proceedings of the first respondent dated 05.01.2022. From then, he has been working at Sanapatti, Block Dindigul District. Suddenly, the first respondent issued the impugned order dated 27.01.2025 transferring the petitioner to S.Pudur, Sivagangai District.

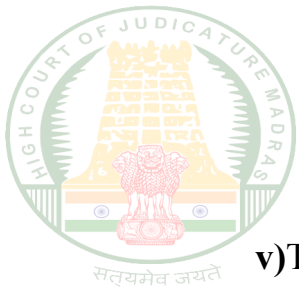
iii) It is the case of the petitioner that he came to understand that the third respondent has been transferred to Sanapatti Block Dindigul District and at his request for transfer the impugned order is issued. The petitioner is transferred to the work place of the third respondent. The learned counsel for the petitioner submits that the impugned transfer order is issued on the basis of an application submitted by the third respondent and the transfer order has not been passed



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purely on administrative grounds. He contends that this fact only leads to the inevitable impression that the impugned order has been passed so as to do undue favour to the third respondent in the guise of administrative transfer. He further contends that the present impugned transfer order has been motivated by malice and tainted with trickery and sought to quash the same.

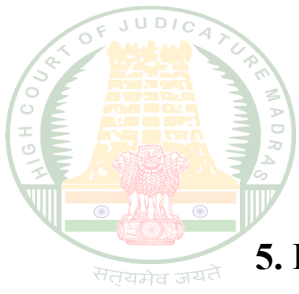
iv) The case of the third respondent is that he is working as the Assistant Agricultural Officer at S.Pudur Block, Sivagangai District from June 2018 to January 2025. Due to his family reasons, he applied for transfer to Dindigul District. Accordingly, the first respondent vide proceedings dated 27.01.2025 transferred the petitioner to Sanapatti Block, Dindigul District. As per the said order, he joined duty on 03.02.2025 at Sanapatti Block, Dindigul District. Because of the interim stay order passed by this Court on 05.02.2025 in WMP(MD)No.2404 of 2025, the first respondent in his letter dated 06.02.2025 has instructed the Deputy Director of Agricultural Department, Sivagangai District to permit the third respondent to re-join duty at S.Pudur Block, Sivagangai District on temporary basis. Under these circumstances, he filed a petition in WMP(MD)No.4113 of 2025 in WP(MD)No.3402 of 2025 seeking to vacate the interim stay order passed by this Court on 05.02.2025.



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v)The learned counsel for the third respondent further submits that in the light of the instructions issued by the first respondent in his letter dated 06.02.2025, wherein he was instructed to re-join duty at S.Pudur Block, Sivagangai District, he filed a writ petition in WP(MD)No.4065 of 2025 for directions to forbear the official respondents from disturbing him from Sanapatti Block, Dindigul District. Accordingly, the learned counsel for the third respondent requested to vacate the interim stay order granted in WP(MD)No.3402 of 2025 by dismissing the same and prayed to allow WP(MD)No.4065 of 2025.

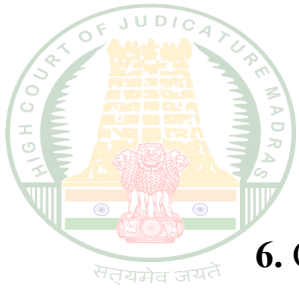
4. The learned counsel for the petitioner in WP(MD)No.3402 of 2025 has placed a copy of the order passed by this Court in WP(MD)No11441 of 2022 dated 12.11.2024 and submits that the official respondents have passed the transfer order on 28.05.2022 transferring one G.Ramya to accommodate the third respondent herein and this Court allowed the writ petition and the transfer order dated 28.05.2022 issued transferring the said G.Ramya is set aside. Thereafter, to accommodate the third respondent herein, now the first respondent issued the impugned transfer order transferring the petitioner. As such, he sought to allow the writ petition.



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5. Having heard the submissions of the respective counsels and on careful

examination of the materials available on record, it is an admitted fact that the petitioner was working in Dindigul District with effect from 23.07.2016 at Vadamadurai and thereafter he was working at Sanapatti Block, Dindigul District to till date. Now he is transferred to S.Pudur, Sivagangai District. It is also an admitted fact that the third respondent is working from June 2019 to January 2025 at S.Pudur Block, Sivagangai District. Admittedly, he requested the first respondent to transfer him to Sanapatti Block, Dindigul District. It is also an admitted fact that the petitioner is working in and around Dindigul District for more than eight years. The petitioner is working at Sanapatti Block Dindigul District for the last three years. In WP(MD)No.11441 of 2022 this Court by order dated 12.11.2024 has set aside the transfer order dated 28.05.2022 transferring one G.Ramya on the ground that the said Ramya has been transferred within a period of three years from the present station without there being any explicit reasons. But in the present transfer order dated 27.01.2025, though it is passed to accommodate the third respondent, this Court cannot lost its sight that the petitioner is working at Sanapatti Block, Dindigul District at his request for the last three years and he is working in and around Dindigul District for more than eight years.



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6. Considering these facts, in our considered view, there is no illegality or infirmity in the transfer order issued by the first respondent on 27.01.2025 transferring the petitioner to S.Pudur Block, Sivagangai District. In view of the same, WP(MD)No.3402 of 2025 is dismissed. Interim stay order granted by this Court dated 05.02.2025 in WMP(MD)No.2404 of 2025 is hereby rejected.

7. For the reasons stated above, WP(MD)No.4065 of 2025 is allowed.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

17.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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BATTU DEVANAND, J.

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