



W.P.(MD)No.5479 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5479 of 2025

and

W.M.P.(MD).No.4011 of 2025

S.Murugan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Personal Assistant to District Collector (Development),
Office of Collectorate,
Virudhunagar District.

3. The Block Development Officer (Village Panchayat),
Watirairuppu Panchayat Union,
Virudhunagar District.

4. The Block Development Officer (Village Panchayat),
Rajapalayam Panchayat Union,
Rajapalayam,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to transfer the petitioner from Vadugapatti Village Panchayat Union to the already transferred place namely Melapattam Karisalkulam Panchayat Union.

For Petitioner : M/s.K.Porkodi

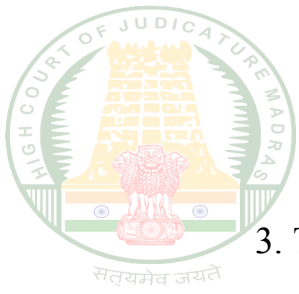
For Respondent Nos.1 &
2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent Nos.3 & 4 : Mr.C.Satheesh
Government Advocate

ORDER

Heard, the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and carefully perused the materials available on record.

2. This writ petition has been filed seeking Writ of Mandamus to direct the second respondent to transfer the petitioner from Vadugapatti Village Panchayat Union to Melapattam Karisalkulam Panchayat Union, as per proceedings of the second respondent dated 10.11.2023.



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3. The case of the petitioner is that the petitioner is working as Panchayat Secretary at Othaiyal Panchayat, Sattur Union and he was transferred to Melapattam Karisalkulam Panchayat vide proceedings of the second respondent dated 10.11.2023. Against the said proceedings, the Panchayat President of Melapattam Karisalkulam Panchayat has filed a writ petition in W.P.(MD).No. 30781 of 2023 before this Court, on the ground that the second respondent has no authority to pass the transfer order of the petitioner.

4. It is an admitted fact that initially this Court granted Interim Stay of the order dated 10.11.2023 of the second respondent. Meanwhile, the petitioner submitted representations on 07.05.2024 and 30.05.2024 to the second respondent requesting to post him in alternative place, considering the financial hardship being faced by him. The request of the petitioner has been considered and the second respondent passed an order on 27.06.2024, posting the petitioner at Vadugapatti Village Panchayat, Vathirayiruppu Panchayat Union.

5. Subsequently, the writ petition filed by the President of Melapattam Karisalkulam Panchayat Union was dismissed by this Court, in view of the fact that 2013 Rule has already been superseded by the new Rule of the year 2023



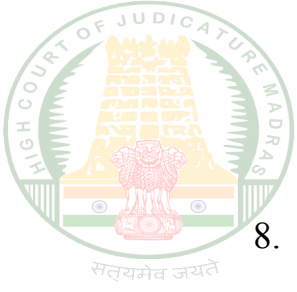
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and the second respondent is the competent authority to pass order dated

10.11.2023.

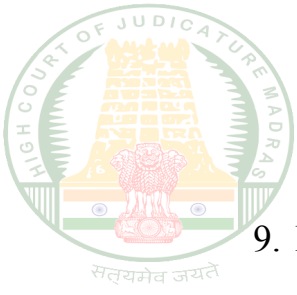
6. Consequent to the dismissal order in W.P.(MD).No.30781 of 2023, the petitioner made representations to the second respondent on 11.11.2024 and 26.12.2024 requesting to transfer the petitioner to Melapattam Karisalkulam Panchayat as per the original transfer order dated 10.11.2023 passed by the second respondent. Against the inaction of the second respondent in considering the same, the petitioner is constrained to file this writ petition.

7. A Counter affidavit has been filed by the second respondent. In the said counter affidavit, it is the contention of the second respondent that the request of the petitioner is not sustainable, as the law is well settled that transfer is an incident of service and no one has any right to insist that he should be posted in a place of choice. But, no reasons are assigned in the counter affidavit filed by the second respondent for not considering the request of the petitioner.



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8. Admittedly, the second respondent passed an order on 10.11.2023, transferring the petitioner from Othaiyal Panchayat to Melapattam Karisalkulam Panchayat. During the pendency of W.P.(MD).No.30781 of 2023, the petitioner was posted at Vadugapatti Village Panchayat, Watrairuppu Panchayat Union. After dismissal of the writ petition, the petitioner requested the second respondent to post him at Melapattam Karisalkulam Panchayat as per the earlier order dated 10.11.2023. In fact, it is the duty of the second respondent to consider the request of the petitioner and to post him at Melapattam Karisalkulam Panchayat as per the earlier dated 10.11.2023. It is not the case of the second respondent that this Panchayat Secretary post at Melapattam Village Panchayat is filled by somebody, during the pendency of the said writ petition. Then, the second respondent has to consider and post the petitioner as Panchayat Secretary of Melapattam Village Panchayat by executing his own order dated 10.11.2023, after dismissal of the writ petition. But, the second respondent, without doing so, raised unnecessary grounds in his counter affidavit.



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9. In view of the same, this Court is of the considered opinion that the petitioner is entitled for the relief sought for in this writ petition.

10. Accordingly, this writ petition is allowed, with a direction to the second respondent to post the petitioner as Panchayat Secretary of Melapattam Karisalkulam Panchayat Union forthwith.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

03.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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BATTU DEVANAND, J.

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