



W.P.(MD).No.10180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10180 of 2025

and

W.M.P.(MD)No.7581 & 11399 of 2025

S.Rajesh

... Petitioner

-VS-

1. The Inspector of Panchayats / The District Collector,
Collectorate,
Theni District.
2. The Assistant Director (Panchayat),
Rural Development and Panchayat Raj Department,
Theni District.
3. The Assistant Director (Audit),
Rural Development and Panchayat Raj Department,
Theni District.
4. The Block Development Officer,
Andipatti Taluk,
Theni District.

5. Saravanan

6. T.Siva

7. A.Kumaresan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the 4th respondent in respect of impugned order of the 4th respondent by proceeding in Na.Ka.No. 88/2025/B1 dated on 01.04.2025 in so far as the petitioners are concern and quash the same.

For Petitioner : Mr.R.Maheswaran

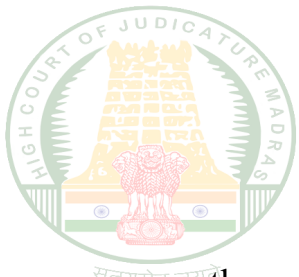
For Respondent : Mr.S.R.A.Ramachandhran (R1 to R4)
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order of the fourth respondent in Na.Ka.No. 88/2025/B1 dated 01.04.2025.

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

3. The petitioner was appointed as 'Secretary' in Thirumalapuram Panchayat at Theni District in the year 2012. Due to matrimonial dispute, a criminal case has been registered against the petitioner. The petitioner was placed under suspension and subsequently, his suspension was revoked and



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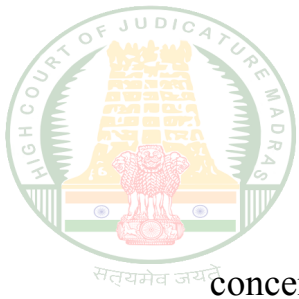
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the petitioner has been transferred to various panchayats. Finally, he was transferred to Thirumalapuram Panchayat at Theni District, on 25.09.2023. The petitioner's contention is that in order to accommodate the seventh respondent in Thirumalapuram Panchayat at Theni District, the petitioner was transferred through the impugned order. Challenging the same, this writ petition came to be filed.

5. The learned Additional Government Pleader appearing for the respondents submits that no public or Government servant has any legal right to be posted at any particular place, since transfer of a Government servant from one place to another is not only a condition of service, but incident of service and hence, he urged this Court to dismiss the writ petition.

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

7. The Hon'ble Supreme Court, in the case of **Registrar General, High Court of Judicature of Madras vs. R. Perachi** reported in (2011) 12 SCC 137, has held that the provision of reasons in the transfer order, including reference to the alleged misconduct or complaints against the employee



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concerned, would not *per se* lead to the conclusion that the transfer is punitive and the relevant portion of the judgment reads as follows:-

“(c) The administrative exigencies that, in the opinion of the employer, necessitate transfer cannot be exhaustively enumerated and the court would not ordinarily substitute its view for that of the employer in such matters;

(d) A transfer would be construed as punitive or in lieu of punishment if, in the opinion of the court, there is sufficient evidence that such transfer is intended to be the punishment for the alleged misconduct. The provision of reasons in the transfer order, including reference to the alleged misconduct or complaints against the employee concerned, would not per se lead to the conclusion that the transfer is punitive;”

8. Further, transfer is a contingency of service and the employer has full discretion to transfer the employees on administrative exigencies. The impugned transfer order was made on administrative grounds and therefore, the same cannot be questioned by the employee. It is also well settled that transfer is an incident of service and transfer on account of administrative exigencies cannot be interfered with by Courts in exercise of judicial review unless the order of transfer is found to be mala fide.



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9. In view of the above observations, this writ petition is dismissed.

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No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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Theni District.
2. The Assistant Director (Panchayat),
Rural Development and Panchayat Raj Department,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.10180 of 2025

Dated:
27.06.2025