



W.P.(MD).No.18742 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18742 of 2025

and

W.M.P.(MD)No.14366 of 2025

P.Thangaraj

... Petitioner

-vs-

1.The Commissioner of Town Panchayat (Additional Charge),
Commissionerate of Town Panchayats,
7th and 8th Floors,
Urban Administrative Campus,
Chennai – 28.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Executive Officer,
Singampunari Selection Grade Town Panchayat,
Singampunari,
Sivagangai District.

4.A.Thennarasu,
Sanitary Supervisor,
Singampunari Selection Grade Town Panchayat,
Singampunari,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, calling for the records relating



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to the Impugned Transfer Order passed by the third respondent in his Proceedings in Na.Ka.No.142/2025/A1, dated 01.07.2025 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
For R1 and R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R3 : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned transfer order issued by the third respondent in his Proceedings in Na.Ka.No. 142/2025/A1, dated 01.07.2025.

2. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioner submits that the petitioner was appointed as a 'Sweeper' under the third respondent Panchayat and was subsequently promoted as 'Sanitary Supervisor' on 30.05.2022. Since then, the petitioner has been performing his duties diligently and without complaint.



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4. It is further submitted that the petitioner is suffering from a bone marrow disease, which has significantly impaired his mobility and physical functioning. He was recently hospitalized at Neethi Arasu Hospital, Madurai and discharged only on 03.07.2025. Despite being on medical leave, the third respondent issued a transfer order dated 01.07.2025, directing the petitioner to report for duty at Pannaipuram Town Panchayat, Theni District.

5. The learned counsel contends that this transfer is arbitrary, punitive and vindictive in nature. As per the original order of the first respondent, the fourth respondent was transferred to Pannaipuram, but not the petitioner. It is argued that the third respondent, without jurisdiction and in disregard to the petitioner's health condition, altered the implementation of the first respondent's order solely to accommodate the fourth respondent and to punish the petitioner for raising objections regarding certain irregularities in the Panchayat administration. Due to the petitioner's serious medical condition and inability to travel or work at the new location, the learned counsel prays for quashing the impugned transfer order and to retain the petitioner in his current posting.



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6. The learned Additional Government Pleaders appearing for the respondents submits that the impugned transfer order is a routine administrative transfer made in the exigency of service. It is submitted that transfers are incidents of service and employees cannot claim a vested right to remain in a particular station.

7. It is further argued that no *mala fide* intent or punitive element can be attributed to the transfer. The third respondent acted within its administrative discretion and the transfer was necessary for the smooth functioning of the Panchayat. The fourth respondent's earlier transfer order was reconsidered based on administrative needs and it is well within the third respondent's powers to reallocate personnel accordingly. Moreover, it is submitted that the petitioner has not produced any concrete proof of victimization or shown that the transfer order violates any statutory rule. The allegations of vindictiveness and lack of jurisdiction are baseless and unsubstantiated.

8. Upon hearing the submissions of both sides and perusing the documents, this Court is of the considered view that transfers are administrative matters within the discretion of the employer and unless there



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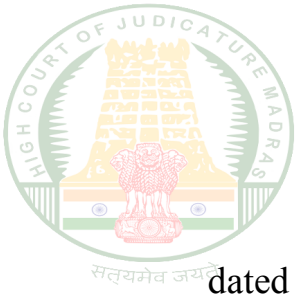
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is clear evidence of *mala fides* or violation of statutory rules, judicial interference is unwarranted.

9. In the present case, no material evidence has been placed on record to substantiate the allegation that the impugned transfer is punitive or that it was issued with the intent to victimize the petitioner. The petitioner's medical condition though unfortunate, does not by itself constitute a ground to quash a transfer order, particularly, when no medical board report or specific recommendation against transfer has been filed.

10. The allegation of lack of jurisdiction on the part of the third respondent is also untenable, as the third respondent, being the administrative head of the Panchayat, is competent to issue internal postings based on service exigencies. The transfer was issued during the petitioner's medical leave, but there is no bar in law preventing the issuance of a transfer order while an employee is on leave.

11. The petitioner has not made out a case of legal or constitutional violation that would justify interference under Article 226 of the Constitution. Accordingly, this Court finds no merit in the writ petition. The transfer order



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dated 01.07.2025, issued by the third respondent does not suffer from any legal infirmity. Hence, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes / No
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Note:- Issue order copy on 15.07.2025.

TO:-

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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.18742 of 2025

Dated:
10.07.2025