

WP(MD). No.22082 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**WP (MD). No.22082 of 2025 and
WMP(MD) No.17188 of 2025**

J.Rajeshkumar

... Petitioner

Vs

1. The Secretary to Government,
Animal Husbandry and Veterinary Services,
Secretariat, Chennai - 600 009..

2. The Director of Animal Husbandry and Veterinary Services,
No.571, Anna Salai,
Nandanam, Chennai..

3. The Regional Joint Director,
Animal Husbandry Department,
Dindigul Region, Dindigul District..

4. The Commissioner,
Department of Milk Production and Dairy Development,
State of Tamil Nadu,
Chennai – 51..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd



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respondent herein in Na.Ka.No. 29537/VSC3/2025 (Serial No.2) dated 04.08.2025 and the subsequent impugned order passed by the 3rd respondent in Na.Ka.No.4155/A1/2025-1 dated 05.08.2025 and quash the same as illegal and consequently direct the 2nd respondent to retain the petitioner to continue his service in the 2nd respondents Department.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.Veera Kathiravan

Additional Advocate General

assisted by Mr.K.Balasubramanian for R1 to R4

ORDER

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

2.The writ petition has been filed challenging the impugned order passed by the 2nd respondent herein in Na.Ka.No. 29537/VSC3/2025 (Serial No.2) dated 04.08.2025 and the subsequent impugned order passed by the 3rd respondent in Na.Ka.No. 4155/A1/2025-1 dated 05.08.2025 and consequently direct the 2nd respondent to retain the petitioner to continue his service in the 2nd respondents Department.



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3. The petitioner was appointed as Veterinary Assistant Surgeon in the 2nd respondent on 15.11.1998. After serving at various places, he is now working as Assistant Director of Animal Husbandry, Dindigul in the 2nd respondent department, on promotion vide order dated 20.03.2024. While so, vide impugned order dated 04.08.2025, the petitioner was transferred on deputation from the post of Assistant Director of Animal Husbandry Dindigul to Department of Milk Production & Dairy Department, Chennai along with three other persons. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the 2nd respondent deputed the petitioner to the 4th respondent department, that too, without his consent, whereas among four in the impugned order one Indumathi and one Manojkannan were deputed to serve in the 4th respondent after receiving their consent. However, without consent, the petitioner has been deputed. It is further submitted that deputation from one department to another department is only for a period of three years. However, the present impugned order is a transfer on deputation from



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one department to another department, that too, without any consent, which is in clear violation and is contrary to FR110(4) of the Fundamental Rules and the said deputation is not binding on the petitioner and also is contrary to the decision rendered in **(1997) 8 SCC 372 [State of Punjab v. Inder Singh]**.

5. In support of his contention, the learned counsel has also relied upon the decision of the Division Bench of this Court in **(2014) SCC Online Mad 1342 [K.Rajaprabhu Doss and another v. Employees Provident Fund Organisation and others]**. By relying the said decision, the learned counsel would urge that there are distinction between transfer and deputation and transfer on deputation. The deputation means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, ie., to another department on temporary basis. After the expiry of the said period of deputation, the employee has to come back to his parent department. However, as far as the case of the petitioner is concerned, the petitioner was simply transferred from the parent department to another department denoting the same as deputation. For all these



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reasons, the learned counsel prays for interference.

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5. The learned Additional Advocate General appearing for the respondents, on the other hand, would submit that the department of Animal Husbandry, Dairying, Fisheries and Fishermen Welfare department is one of the departments of the Government of Tamil Nadu. The said department encompasses the departments of animal husbandry, dairy development and fisheries and therefore, transferring a person on deputation from Animal Husbandry to Dairy Development cannot be considered to be a transfer on deputation to other department, but within the encompassed departments of one department. Therefore, the learned Additional Advocate General would submit that though there are separate Director/Commissioner for the department of Animal Husbandry and Veterinary Services and the department of milk production and Dairy Development, the Secretary to Government is one and the same and hence, transfer of the petitioner vide order dated 04.08.2025 from Animal Husbandry Department to Dairy Development Department is not stated to be illegal. The learned counsel would therefore, submit that it could be seen that the Government in the first



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reference letter No.3256/gh.c2(2)/2025-1 informed to fill up the vacancies for the post of Veterinary Surgeons and Dairy Officer/Team Leader on deputation basis and therefore, the impugned order came to be passed. In terms of Rule 110(a), no Government servant may be transferred to foreign service against his will provided that the sub Rule shall not apply to the transfer of Government servant to the service of a body incorporated or not, which is wholly or substantially owned or controlled by the Government or Cooperative Institutions or Local Bodies and in view of power available under FR110, the petitioner was transferred to foreign service from Animal Husbandry to Dairy Development Department by the first respondent and the same was not challenged before the communication sent by the Government. For all these reasons, the learned Additional Advocate General prays for dismissal.

6. I have considered the rival submissions and perused the materials available on record.

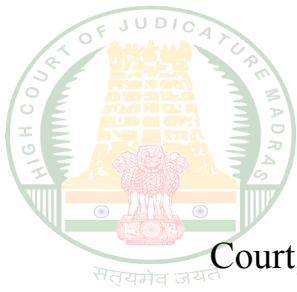


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7. The fact that the petitioner was promoted as Assistant Director of Animal Husbandry is not disputed. Admittedly, the petitioner was appointed as Assistant Surgeon in the Animal Husbandry Department and he was subsequently promoted as Assistant Director of Animal Husbandry, Dindigul on 20.03.2024. It is also not disputed that the first respondent informed the 2nd respondent to fill up the vacancies for the post of Veterinary Surgeons and Dairy Officer/Team Leader on deputation basis.

8. Even the counter affidavit filed by the respondents makes it clear that the petitioner was transferred on deputation from Animal Husbandry to Dairy Development Department and it is not a transfer within the department or in the same cadre. It is a deputation from one department to another department. It is pertinent to note that if an employee is transferred on deputation from one department to another department, consent of the said employee is mandated one and when the transfer is on deputation, the period of such deputation is only three years. When similar issue came up before a Division Bench of this



Court, following the decision of the this Court, the Bench in (2014) SCC

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Online Mad 1342 (K.Rajaprabhu Doss and another v. Employees

Provident Fund Organisation and others) had held that when the

consent of the petitioners therein have not been obtained for deputing

them to the 6th respondent therein, the Division Bench held that the

transfer on deputation is unsustainable in law. For better appreciation,

the relevant paragraphs in the said order are extracted as under:

“12. The Hon'ble Supreme Court in the decision reported in [State of Punjab & Others v. Inder Singh & Others](#) [(1997) 8 SCC 372] in para 18 held thus:

18. The concept of deputation is well understood in service law and has a recognised meaning. Deputation has a different connotation in service law and the dictionary meaning of the word deputation is of no help. In simple words deputation means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation the employee has to come back to his parent department to occupy the same position unless in the meanwhile he has earned promotion in his parent department as per the Recruitment Rules. Whether the transfer is outside the normal field of deployment or not is decided by the authority who controls the service or post from which the employee is transferred. There can be no deputation without the consent of the person so deputed and he would, therefore, know his rights and privileges in the deputation post... (emphasis supplied) The said position is reiterated in [Umapati Choudhary v. State of Bihar and Another](#) [(1999) 4 SCC 659] and in para 8, the Supreme Court held thus:



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8..... *The necessity for sending on deputation arises in public interest to meet the exigencies of public service. The concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer. It also involves the consent of the employee to go on deputation or not.... (emphasis supplied)* In a subsequent decision of the Hon'ble Supreme Court in *Prasar Bharati and Others v. Amarjeet Singh and Others* [(2007) 9 SCC 539], the distinction between transfer and deputation is spelt out in para 13, which reads as follows:

13. *There exists a distinction between transfer and deputation. Deputation connotes service outside the cadre or outside the parent department in which an employee is serving. Transfer, however is limited to equivalent post in the same cadre and in the same department. Whereas deputation would be a temporary phenomenon, transfer being antithesis must exhibit the opposite indications. Further, the impugned order states that the deputation is initially for a period of one year. At this juncture it is to be noted that when an order of transfer on administrative exigency is passed, no period will be mentioned. Thus, at any stretch of imagination, the impugned order dated 31.12.2013 cannot be treated as transfer on administrative exigency, but transfer on deputation to the ZTI (South Zone), Chennai.*

13. The facts of the case would disclose that the consent of the petitioners have not been obtained for deputing them to the sixth respondent and consent or the acceptance of such services by the borrowing employer, namely, the respondents 5 and 6 have also not been obtained. Moreover, the impugned order of transfer on deputation is also in violation of the



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proceedings of the fifth respondent dated 28.06.2013. No doubt, the impugned order came to be passed in public interest for the reason that sufficient staffs in the cadre of SSA is not available, but the said problem might have been solved by deploying surplus staffs. The petitioners are not the senior most or junior most in the station for such deployment. In such a view of the matter, the impugned order of transfer on deputation is unsustainable in law and on facts.

14. In the result, the writ petition is allowed and the order dated 26.02.2014 made in O.A.No.98/2014 passed by the Central Administrative Tribunal, Chennai Bench and the impugned order of deputation dated 31.12.2013 passed by the fourth respondent are set aside. No costs. Consequently, connected miscellaneous petition is closed.”

9. A perusal of the above said decision makes it clear that the Division Bench of this Court made a distinction between transfer and deputation and held that deputation connotes service outside the cadre or outside the parent department in which an employee is serving, whereas, transfer, is limited to equivalent post in the same cadre and in the same department and had also held that deputation would a temporary phenomenon and transfer being antithesis must exhibit the opposite indications. Applying the said ratio to the facts of the present case, in this



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case also, the petitioner herein has been transferred on deputation to a different department, ie., from Animal Husbandry to Dairy Development Department. Hence, when applying the said ratio to the facts of the present case, the petitioner has to necessarily succeed based on the decision of the Apex Court as well as this Court as supra.

10. In view of the foregoing reasons, the writ petition is allowed and the impugned order dated 04.08.2025 is hereby set aside. However, liberty is granted to the respondents to pass orders afresh as applicable under the relevant Rules. No costs. Consequently connected Miscellaneous Petition is closed.

26.08.2025

NCC : Yes/No
Index : Yes/No

RR



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Animal Husbandry and Veterinary Services,
Secretariat,
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Dindigul District..

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M.DHANDAPANI,J

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**ORDER
IN
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Date : 26/08/2025