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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 13938 of 2025

AND

WP NO. 13946 OF 2025

WP No. 13938 of 2025

A.Balamurugan

..Petitioner(s)

Vs

1. The High Court Of Madras Represented By Its Registrar General, Parrys, Chennai 600 104
2. The Principal District And Sessions Judge, District Court, Tirunelveli

..Respondent(s)

WP No. 13946 of 2025

N. Kalyanasundaram

..Petitioner(s)

Vs

1. The High Court Of Madras Represented By Its Registrar General, Parrys, Chennai 600 104
2. The Principal District And Sessions Judge, District Court, Tirunelveli

..Respondent(s)

WP No. 13938 of 2025

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus to call for the records in pursuant to the 1st impugned order issued by the 1st respondent in proceedings order A. No 68 / 2025 dt 31.01.2025, D. no 1397 / A1 / 2025 Dt 03.02.2025, 2nd impugned order issued by the 2nd respondent in proceedings order A1.R.No. 2721, dated 10.02.2025 in order dated 13.02.2025 and the subsequent 3rd impugned order issued by the 2nd respondent in proceedings A1.R.No 3400, dated



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20.02.2025 in order dated 24.02.2025 and to quash these orders and to consequently direct the respondent to absorb the petitioner in the Tenkasi District with effect from the date on which her juniors were absorbed in Tenkasi District without detriment to his original seniority with all consequential service and monetary benefits and to pass

WP No. 13946 of 2025

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus to call for the records in pursuant t the 1st impugned order issued by the 2nd respondent in proceedings order A. No 68 / 2025 dt 31.01.2025, D. no 1397 / A1 / 2025 Dt 03.02.2025, 2nd impugned order issued by the 2nd respondent in proceedings order A1.R.No. 2531dated 06.02.2025 in order dated 13.02.2025 and the subsequent 3rd impugned order issued by the 2nd respondent in proceedings A1.R.No 3286 dated 19.02.2025 in order dated 24.02.2025 and to quash these orders and to consequently direct the respondent to absorb the petitioner in the Tenkasi District with effect from the date on which her juniors were absorbed in Tenkasi Distract without detriment to his original seniority with all consequential service and monetary benefits and to pass

In Both Writ Petitions

For Petitioner(s): Mr.R.Prem Narayan

For Respondent(s): Mr.S.Arjun Suresh for R1 & R2

Common Order

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petitions have been instituted by the staff members of District Judiciary, Tirunelveli District.

2. Due to bifurcation of Tirunelveli District, and on constitution of Tenkasi District, issue relating to absorption and transfer of employees



between these two districts arose. Some of the employees have given option for permanent absorption in the newly constituted Tenkasi District. Some of the staff members have exercised their option to go on transfer. Considering the administrative exigencies during the relevant point of the time, when the District was bifurcated, few employees were absorbed permanently in Tenkasi District and set of the employees were transferred on administrative grounds and for smooth and efficient functioning of the District Judiciary in the newly constituted Tenkasi District.

3. The non-consideration of applications submitted by the writ petitioner herein for permanent absorption to Tenkasi District were rejected by the Principal District Judge, Tirunelveli by Proceedings, dated 03.02.2025, 13.02.2025 and 24.02.2025. The said orders came to be challenged in the present writ proceedings.

4. The reason stated for rejection of the applications submitted by the writ petitioners is that there is no vacancy available in the Tenkasi district in respective categories of the post. In the context of the above facts, issues are to be considered.

5. Mr.Prem Narayan, learned counsel appearing for the petitioners would submit that similar cases were earlier considered by the Judicial Department as well as by this Court in the case of **S.Krishnaveni Vs. High**

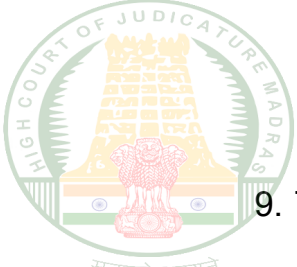


Court of Madras in W.P. Nos. 9987 and 9250 of 2025, dated 23.07.2025. In the said case, the request made by the judicial staffs for permanent absorption was considered and granted. Therefore, the case of the writ petitioners are also to be considered.

6. Transfer applications were also considered by the Judicial Department in respect of the employees, who made a request to transfer to Tenkasi. Therefore, the reason stated in the impugned order for rejecting the request application made by the petitioners is perverse.

7. Mr.Arjun Suresh, learned counsel appearing on behalf of the respondents, would oppose by stating that staff members serving in Tirunelveli District were either transferred or permanently absorbed, not merely based on request applications, but considering the availability of vacancy and also the administrative exigencies. Mere submission of an application seeking absorption or transfer would not provide a vested right on the employees.

8. In the present case, applications submitted by the petitioners were considered and the Principal District Judge, Tirunelveli found that there were no adequate vacancies in respective categories of post and consequently rejected the applications. The said reason is purely administrative in nature. Therefore, the present writ petitions are to be rejected.



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9. This Court has considered the rival submissions made by the parties to the lis on hand.

10. Section 48 of the **Tamil Nadu Government Servants (Conditions of Service) Act, 2016** deals with Postings and Transfers.

Section 48 is extracted hereunder.

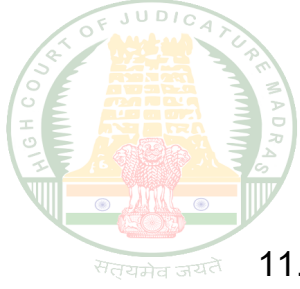
“A member of a service or class of service may be required to serve in any post borne on the cadre of such service or class for which he is qualified.

(2) *All postings and transfers shall be made by the appointing authority:*

Provided that where the appointing authority is not the Government, any authority to whom the appointing authority is administratively subordinate shall, in respect of any post within the jurisdiction of the appointing authority also be competent to effect postings and transfers to a post within their jurisdiction aforesaid:

Provided further that where leave not involving extra cost to the Government is granted to an officer by virtue of the delegation under Fundamental Rule 66, the Head of Department or the subordinate authority concerned may re-post the officer on return from leave granted by it to the same place.

(3) *Notwithstanding anything contained in this Act or in any special rules or adhoc rules, the Government may transfer any Government servant from one revenue district to another revenue district within the*



State, on administrative grounds.”

11. Subsection 3 to Section 48 in unambiguous terms reiterate that the Government may transfer any Government servant from one revenue district to another revenue district within the State, on administrative grounds.

12. In the present case, absorptions and transfers have arisen due to bifurcation of Tenkasi District and Tirunelveli District. Therefore, required number of staffs are to be either absorbed or transferred on need basis, and by considering the availability of vacancies and without compromising the efficiency of the administration. While effecting the transfers and absorptions, the authorities are bound to ensure efficiency in public administration by equally distributing senior and junior staff members in various categories. This exactly is the reason why the Courts have time and again reiterated that transfers are incidental to service and the authorities competent in order to maintain efficiency in public administration and on administrative grounds, transfer an employee from one place to another place.

13. Post or place can never be claimed as a choice by the Government servant. Transfer guidelines are issued only to maintain transparency and consistency and would not confer any right on the employees. Transfer guidelines will not have statutory force. Therefore, such guidelines cannot be a basis for claiming relief against administrative transfer orders.



14. In the present case, learned counsel for the petitioners relied on the earlier judgment of this Court dated 23.07.2025 in W.P. Nos. 9987 and 9250 of 2025. Reading of the order would show that availability of vacancy during relevant point of time was considered by Courts and by exercising the discretion, directions were issued. However, the legal principles on transfers and permanent absorption of employees were not considered in the above said judgement. Thus, the said judgement is to be confined only in respect of those employees against whom relief was granted. The said judgement cannot be followed as a precedent in all cases, where transfers and absorption are requested by the staff members.

15. Section 48 of the Act in unambiguous terms reiterate that transfers on administrative grounds are valid. Constitutional Courts have time and again emphasized that Courts are not expected to interfere with the administrative transfer in a routine manner. That apart, Court are not expected to run the administration by issuing a direction to transfer an employee from one place to another place or to absorb from one district to another district. These all are purely administrative matters, and decisions are taken at administrative level to maintain efficiency in public administration, and any intervention by the High Court may cause prejudice to the interest of the administration. That apart, such exercise would fall beyond the realm of the powers of the judicial review.



16. For all these reasons, the present writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

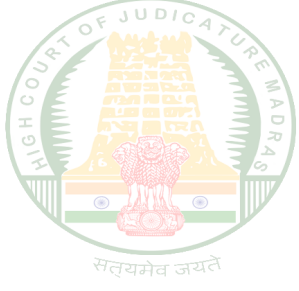
(S.M.S.,J.) (N.S.,J.)
01-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The High Court Of Madras Represented By Its Registrar General, Parrys, Chennai 600 104
2. The Principal District And Sessions Judge, District Court, Tirunelveli



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WP No. 13938 of 2



**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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