

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11811 of 2015

and

M.P.No. 1 of 2015.

Mr.Eapan Vettah Eapan

.. Petitioner

-vs-

1. The Director
Directorate of Horticulture and Plantation Crops
Chennai 600 005

2. The Deputy Director of Horticulture
Coimbatore-13

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the first respondent in Se.Mu.A.No.PaAPa1/5105/2015 dated 08.04.2015 and quash the same as arbitrary, illegal and also in violation of principles of natural justice.

For Petitioner :: Mr.R.Munuswamy

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition is directed against the impugned order of transfer passed by the first respondent, on the ground that at the instance of the second respondent, against whom the petitioner has got various complaints, the impugned order has been passed transferring the petitioner from Anaimalai Block, Coimbatore District to Keezhpennathur Block, Thiruvannamalai District. Adding further, the learned counsel for the petitioner submitted that when there are vacancies available in and around Coimbatore, the petitioner should have been accommodated in any one of the vacancies available in and around Coimbatore. Ignoring the available vacancies and transferring the petitioner to a far off place, namely, from Anaimalai Block, Coimbatore to Keezhpennathur Block, Thiruvannamalai District, clearly shows that the first respondent is acting at the instance of the second respondent. When the second respondent with an ulterior motive

issued several letters to the petitioner so as to harass and penalise him by one way or the other, the petitioner made representations to the first respondent. But the first respondent, upon being instigated by the second respondent, wrongly transferred the petitioner to Thiruvannamalai District, as a result, the petitioner will be put to grave injustice and inconvenience, since his daughter is doing M.B.B.S. Degree course in a college situated at Coimbatore.

2. This Court is able to see that the petitioner has been serving from 2011 in the present place, from where he has been transferred now to Thiruvannamalai District. As it has been well settled by the Apex Court as well as by this Court that the transfer is not only an incident of service, but also condition of service, the petitioner has no indefeasible right to continue to occupy in the present place, since the respondents are the best judges to effect the transfer of a particular individual. This Court is unable to find any merits in the writ petition. Accordingly, the writ petition fails and it is dismissed. However, if there are vacancies available in Coimbatore District, on a representation by the petitioner, it is open to the respondents to consider the same. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Director
Directorate of Horticulture and Plantation Crops
Chennai 600 005

2. The Deputy Director of Horticulture
Coimbatore-13

+ 1 cc to Mr.R.Munuswamy, Advocate SR 21937

+ 1 cc to Government Pleader SR 22104

gj(co)
prk24/4

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