

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.29447 of 2015
and M.P.No.1 of 2015

G.Murugan

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu Minerals and Granites Ltd.,
No.5, Kamarajar Salai,
Chepauk,
Chennai - 600 005.

2.The Manager,
Tamil Nadu Minerals and Granites Ltd.,
251, Manalil Ponneri Road,
Manali,
Chennai - 600 068.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari To call for the records of the Transfer Order dated 04.09.2015 passed in Se.Mu.Aa.No.8775/E4/2015 by the 1st respondent in respect of the petitioner transfer and quash the same as illegal.

For Petitioner : Mr.S.Thiruvengadam

For Respondent : Mr.R.Ravichandran,
Additional Government Pleader

O R D E R

The petitioner, who is working as a Welder at Manali Factory belonging to the respondents, has come forward to challenge the order impugned, by which he has been transferred from the said factory to Melur Factory.

2.The learned counsel for the petitioner submitted that the petitioner has been subjected to frequent transfers. The 1st person in the order impugned has been transferred on request. The 2nd person has been transferred to Manali Factory, therefore, the order impugned cannot be sustained.

3.The learned Additional Government Pleader for the respondents submitted that the issue has been considered and dealt with by this Court in W.P.No.3117 of 2013 dated 20.03.2013. The petitioner's case would be considered, after he puts in six months of service at Melur Factory. Therefore, no interference is required in an administrative action.

4.In the decision relied upon by the learned Additional Government Pleader for the respondents dated 20.03.2013, this Court was pleased to pass the following order:

"4.The first respondent has filed counter. In the counter, the first respondent has stated that the Manali factory of the first respondent is now running at a loss. Therefore, it was decided to transfer at least 10 Machinists, to other factories. When surplus employees were identified, the association of employees made a representation not to transfer 10 Machinists permanently out of Manali, but to send people out of Chennai by rotation. Accepting this proposal, the Management sent out, 10 Machinists from Manali to the other areas in January 2012. After they completed a period of six months, in other areas, they were brought back to Chennai in July 2012. At the same time, a second batch of 10 Machinists were sent out in July 2012. Those persons have now made a claim to come back to Manali and hence, fresh orders were passed in January 2013 sending out the third batch of ten candidates. The petitioner happens to be one of those ten candidates who had to go out.

5.All the above facts narrated in the counter affidavit show that due to genuine exigencies of service, the first respondent has passed the impugned order. As a matter of fact, the first respondent has stated in the impugned order itself that the petitioner will be considered for being brought back to Chennai, after he completes six months tenure at Krishnagiri. I do not think that the petitioner can ask for anything more. Therefore, this Writ Petition is dismissed. The petitioner shall join duty immediately, so that he can complete the period of six months and at least stake a claim thereafter. There shall be no order as to costs. Consequently, M.P.No.2 of 2013 is also dismissed."

The ratio laid down in the above decision is applicable to the case of the petitioner as well.

5.Even in the impugned order, it has been stated that the petitioner's request would be considered after six months. It is the specific case of the respondents that the Manali Factory is unable to have more employees and therefore, a policy of rotation is being employed. This Court is not inclined to extend its power of judicial

review in such matters in the absence of any arbitrariness involved.

6.Thus, the Writ Petition stands disposed of in the light of the order passed in W.P.No.3117 of 2013, giving liberty to the petitioner to make a request for re-transfer after completion of six months. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Managing Director,
Tamil Nadu Minerals and Granites Ltd.,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 2.The Manager,
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251, Manalil Ponneri Road, Manali,
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srg 15.10.2015

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