



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29614 of 2014

V.Kamalakannan ... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, DPI Complex,
Chennai - 6.
2. The District Elementary Education,
CEO Office Campus,
Villupuram. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to call for the records on the file of the second respondent in connection with the order passed by him in his Proc.Na.Ka.No.3101 A1 2014 dated 06.11.2014 and quash the same.

For Petitioner : Ms.M.Srividhya

For Respondents : Mr.K.Karthikeyan for RR1 & 2
Government Advocate

O R D E R

The petitioner has come up with the present writ petition to quash the transfer order passed by the second respondent in Proc.Na.Ka.No.3101 A1 2014, dated 06.11.2014 transferring him from the office of the Assistant Elementary Educational Officer, Vaanur, Villupuram district to the office of the Assistant Elementary Educational Officer, Olakkur.

2. According to the petitioner, he joined in Government service on 04.02.2013 as Junior Assistant, by direct recruitment and was posted at Vazhudhavur, Villupuram District. Thereafter, he has been transferred to Vanur, Villupuram District. Whiles, the second respondent has issued the order, dated 06.11.2014, which is impugned in this present writ



petition, transferring the petitioner from Vanur to Olakkur, which is 80 kms far away from the place of transfer. That being so, another person has been posted in the existing vacant post. Therefore, he has given a representation to the 1st respondent, which was not considered, hence this writ petition.

3. The learned counsel for the petitioner vehemently argued that it is the grievance of the petitioner that he has been transferred frequently from one place to another place within a short period. Moreso, due to frequent transfers, salary has not been paid to the petitioner.

4. The learned Government Advocate appearing for the respondents contended at the time of vacating the interim stay order already granted, this Court, vide order dated 19.11.2015, has issued directions to the petitioner to join the vacant post. Accordingly, the petitioner has joined the post of Junior Assistant in Government High School, Ulagapuram, Dindivanam. Further, he has contended that the transfer order is not issued with a malafide motive. Hence, the present writ petition has no grounds and prays for dismissal of the writ petition.

5. Heard the rival submission made by the learned counsel on both sides. This Court of the view that transfer of service from one place to another is incidental to Government service. Considering the submission of the learned Government Advocate, this petition is not to be entertained, as the transfer order is not issued with any malafide intention. In such view of the matter, this petition is liable to be dismissed.

6. In the result, this writ petition is dismissed. No costs. However, it is open to the petitioner to work out his remedy with respect to non payment of salary during the period of transfer, before the appropriate authorities in accordance with law. *** Any such representation made to the authorities, the same shall be considered by the authorities in accordance with law.**

Sd/-
Assistant Registrar(CS VIII)

*** Clarified the order dated
15.04.2019 in WP.No.11405 of 2019
and WP.No.29614 of 2014 by DKKJ**

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The Director of Elementary Education,
College Road, DPI Complex,
Chennai - 6.

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2. The District Elementary Education,
CEO Office Campus,
Villupuram.

+lcc to Ms.M.Srividhya, Advocate, S.R.No.37929

+lcc to the Government Pleader, S.R.No.38156

W.P.No.29614 of 2014

CS/11/06/2019