

In the High Court of Judicature at Madras

Dated : 27.2.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice P.R.SHIVAKUMAR

Writ Petition No.4429 of 2015

D.S.Bright Singh ...Petitioner

Vs

1.Union of India, rep.by the General
Manager, Southern Railway,
Park Town, Chennai.

2.S.T.Ramalingam, Senior Divisional
Operations Manager, Madurai
Division, Southern Railway, Madurai.

3.The Divisional Personnel Officer,
Madurai Division, Southern Railway,
Madurai.

4.The Registrar, Central Administrative
Tribunal, Madras Bench, Chennai. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the fourth respondent made in O.A.No.493 of 2014 dated 10.9.2014, quash the same and further direct the respondents to post the petitioner at Aruppukottai.

For Petitioner : Mr.L.Chandrakumar

For Respondents 1 to 3 : Mr.P.T.Ramkumar

Order of the Court was made by V.Ramasubramanian,J

The petitioner has come up with the above writ petition, challenging an order of the Central Administrative Tribunal, refusing to interfere with an order of transfer.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner. Mr.P.T.Ramkumar, learned Standing Counsel takes notice for the respondents 1 to 3.

3. The petitioner was transferred by an order dated 17.1.2013 from Villupuram to Aruppukottai. Challenging the transfer order, the petitioner filed an application in O.A.No.1745 of 2013. The Tribunal disposed of the said application by an order dated 14.2.2014 with a direction to consider the representation of the petitioner and to pass orders. The Senior Divisional Operations Manager considered the representation of the petitioner and passed an order on 12.3.2014, reiterating the transfer order dated 11.12.2013. Challenging such disposal of representation, the petitioner again filed an application in O.A.No. 493 of 2014. This application was dismissed by the Tribunal by an order dated 10.9.2014. It is against the said order that the petitioner has come up with the above writ petition.

4. The petitioner actually challenged the order of transfer on the ground of mala fides. But, the Tribunal found that it was an administrative order of transfer, passed due to exigencies of service. Therefore, we do not think that the order calls for any interference. The allegations of mala fides are not substantiated. Unless a transfer order is vitiated by mala fides or in violation of statutory rules, it cannot be interfered with.

5. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The General Manager, Southern Railway, Park Town, Chennai.

2.The Divisional Personnel Officer, Madurai Division, Southern Railway,
Madurai.

3.The Registrar, Central Administrative Tribunal, Madras Bench, Chennai.

1 cc to Mr.L.Chanddrakumar ,Advocate, SR.No.11048

RS

gj (co)
pmk.11.3.2015

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