

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1628 of 2016
and
WMP.Nos1378 & 1379 of 2016

K.Venkatesan

..Petitioner

Vs

1.Directorates of Treasuries
and Accounts,
Chennai - 600 015.

2.Treasury Officer,
Vellore, Vellore District.

..Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the 1st respondent relating to the proceedings of the 1st respondent dated 12.01.2016 bearing reference Rc.No.34212/15/N2 and quash the same as illegal, arbitrary, malafide, vindictive, without jurisdiction.

For Petitioner : Mr.S.Saravana Kumar

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

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed challenging the transfer order dated 12.01.2016 in and by which, the petitioner was transferred from Vaniyambadi to Chennai.

3. Mr.S.Saravana Kumar, learned counsel for the petitioner submitted that the transfer was made in the middle of the academic year and without considering the petitioner's children, who are studying in 4th and 5th standard at Vaniyambadi and as per G.O.Ms.No.10, P & A.R.Department, dated 07.01.1994, the transfer cannot be made within three years. The learned counsel

further submitted that the petitioner suffers paralytic attack in the year 2014. He is still taking treatment at Christian Medical College Hospital, Vellore.

4. Per contra, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader would submit that the Government Order has no statutory force and the transfer was made on administrative ground. As per the decision of the Hon'ble Supreme Court, the transfer order cannot be interfered, unless it is established that the suffers with malafides, the authority does not have competence to pass such an order and it is passed against any statutory rules.

5. It is settled law that the scope of Judicial Review in the case of transfer is in narrow compass and the guidelines issued by the government has no statutory force. Hence, I do not find any force in the contentions of the learned counsel for the petitioner.

In fine, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, it is open to the petitioner to give a representation to the respondents seeking re-transfer and if any such representation is made, the respondents shall consider the same as expeditiously as possible.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Directorate of Treasuries and Accounts,
Chennai - 600 015.

2.The Treasury Officer, सत्यमेव जयते
Vellore, Vellore District.

+1cc to M/s. S. Saravana Kumar, Advocate, S.R.No.2807

+1cc to the Government Pleader, S.R.No.2991

MP(CO)

EU(12/02/2016)

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