

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.5466 & 5467 of 2016

P.Stalin .. Petitioner in W.P.No.5466 of 2016
T.K.Krishnamoorthy .. Petitioner in W.P.No.5467 of 2016

-vs-

1. The Hindustan Photo Film
Manufacturing Company Ltd.,
Indu Nagar
Udhagamandalam
The Nilgiris 643 005
rep.by its Managing Director
2. The Deputy Manager
Human Resources Development Division
The Hindustan Photo Film
Manufacturing Company Ltd.,
Indu Nagar
Udhagamandalam
The Nilgiris 643 005
3. The Government of India
rep.by its Secretary
Department of Heavy Industries
Ministry of Heavy Industries
& Public Enterprises

..Respondents 1 to 3 in both the W.P's

Petitions under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorari, calling for the
records of the second respondent pertaining to his proceedings
in Ref : P1/14/15/5284 & Ref : P1/14/15/4795 respectively, and
quash the orders dated 02.02.2016.

For Petitioners :: Mr.R.Sivakumar

ORDER

These two writ petitions have been filed by Mr.P.Stalin
and Mr.T.K.Krishnamoorthy challenging the impugned transfer
orders dated 2.2.2016 passed by the second respondent.

2. Mr.R.Sivakumar, learned counsel for the petitioners submitted that Mr.P.Stalin, who has put in 23 years of service in the Electrical Department, and Mr.T.K.Krishnamoorthy, who has put in 25 years of service in the Quality Assurance Department, have been transferred by the impugned orders to the Security Department, for which neither they have any qualification nor at least any experience. This apart, the Polyester X-ray plant to which the petitioners have been transferred is situated almost two kilometres away from the main factory premises and it is also surrounded by reserve forest area and that the production activities are also completely stopped due to the deliberate action of the respondents. In addition thereto, the basic amenities like water supply, toilet facilities etc., are also not available. Therefore, the impugned orders transferring the petitioners are liable to be interfered with, he pleaded.

3. But this Court is not able to find any merit in the writ petitions. The reason is that the averments in the affidavits clearly would show that two workmen in the category of unskilled workers are working presently. When the respondents have taken a decision to transfer the petitioners, which is hardly two kilometres from the main factory premises, as settled by the Apex Court as well as by this Court, it is not necessary for the respondents to mention the reason for the transfer. This apart, when the impugned transfers are part of the condition of service, this Court is not inclined to entertain the writ petitions. Accordingly, the writ petitions fail and they are dismissed. Consequently, W.M.P.Nos.4807 & 4808 of 2016 are also dismissed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Managing Director
Hindustan Photo Film
Manufacturing Company Ltd.,
Indu Nagar
Udhagamandalam
The Nilgiris 643 005

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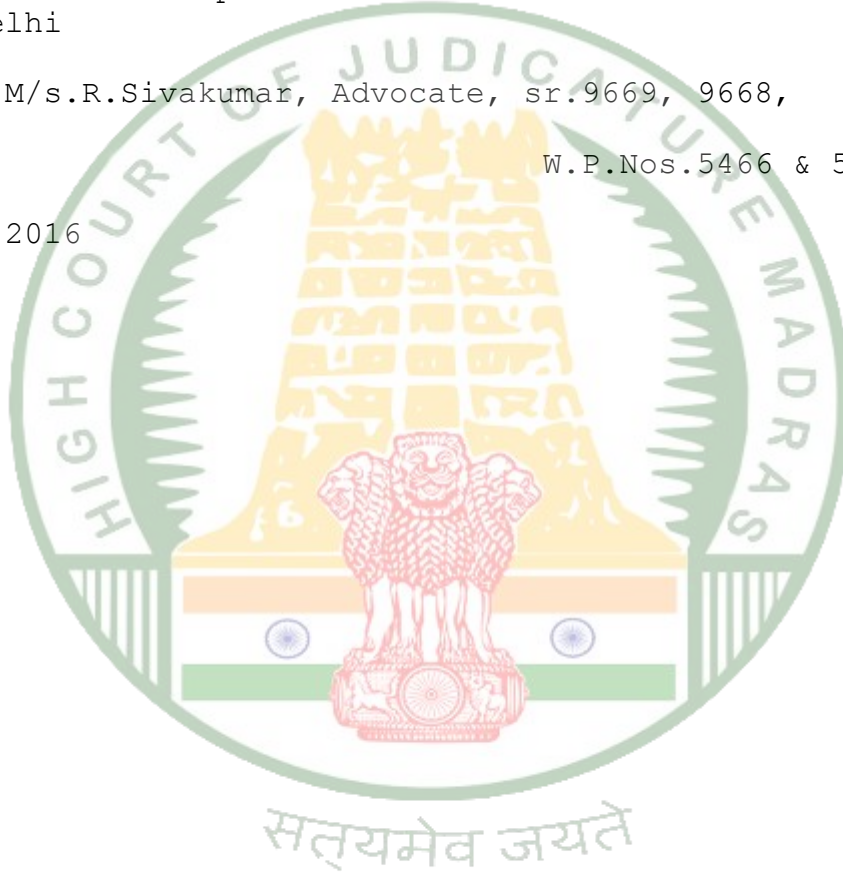
2. The Deputy Manager
Human Resources Development Division
The Hindustan Photo Film
Manufacturing Company Ltd.,
Indu Nagar
Udhagamandalam
The Nilgiris 643 005

3. The Secretary to Government of India
Department of Heavy Industries
Ministry of Heavy Industries
& Public Enterprises
New Delhi

+2 ccs to M/s.R.Sivakumar, Advocate, sr.9669, 9668,

W.P.Nos.5466 & 5467 of 2016

ad co
kra 26.02.2016



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