

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.7725 of 2016

Dr.A.Jaganathan

... Petitioner

Vs

1. The Commissioner,
TamilNadu Food Safety and
Drug Administration Department,
5th floor, DMS Complex,
Chennai - 600 006.

2. A.Ramakrishnan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records pertaining to the impugned order passed by the first respondent dated 26.02.2016 in R.No.1465/2016/S1/FSSA and quash the same.

For petitioner : Mr.T.R.Udayakumar

For R1 : Mr.S.Gunasekaran,
Additional Government Pleader

For R2 : Mr.G.Sankaran

सत्यमेव जयते
O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 26.02.2016 of the respondent in transferring him from Kancheepuram District to Ariyalur District as Designated Officer.

2. It is the contention of the learned counsel appearing for the petitioner that during the non-transfer period, namely, from 1st July to 31st March, respondent has transferred the petitioner from Kancheepuram District where he was working as Designated Officer, to Ariyalur District, which is against the guidelines of the Government, for, as per the said guidelines, the transfer can be effected only between May

and June. It is the further grievance of the petitioner that he has two school children, therefore, the respondent ought not to have passed the transfer order in the middle of the academic year. It is further submitted that the petitioner has made a representation dated 19.02.2016 to the first respondent for a mutual transfer with one Dr.S.Lakshmi Narayanan, Designated Officer, Chennai. Without disposing of such representation, the respondent has passed the present impugned transfer order, that too without giving any relieving order to him. With this submission, he sought for quashing the impugned transfer order.

3. Learned Additional Government Pleader appearing for the first respondent submitted that the first respondent has passed the transfer orders to all the Designated Officers of 20 Revenue Districts. In that transfer, one Dr.A.Jaganathan, has been transferred and posted at the Kanchipuram District, where the petitioner has worked. Hence, if the claim of the petitioner is allowed, then the entire chain of transfer would be disturbed. Therefore, on this count, he prayed for a dismissal of the writ petition.

4. Learned counsel appearing for the second respondent submitted that the second respondent has been transferred from Trichy District to Kanchipuram District where the petitioner has worked. After his transfer, he has also joined the duty at Kanchipuram District on 29.02.2016 as Designated Officer. It is further submitted that it is a chain of transfer orders transferring the Designated Officers from one district to another district, therefore, if the claim of the petitioner is allowed, the same would cause prejudice to all the concerned Designated Officers who have already joined in their respective transferred places. Thus, he prayed for a dismissal of the writ petition.

5. It is settled legal proposition that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in that matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. In the case on hand, the first respondent, by way of impugned order, transferred all the Designated Officers of 20 Revenue Districts and it is a chain transfer made by the Government. Therefore, in my view, the said impugned order cannot be interfered by this Court, for, if the said claim of the petitioner is allowed, the same would create lot of inconvenience to the public administration as well

as to the concerned Designated Officers who have already joined in their respective transferred places.

6. Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Commissioner,
TamilNadu Food Safety and
Drug Administration Department,
5th floor, DMS Complex,
Chennai - 600 006.
2. A.Ramakrishnan
The Designated Officer for
Food Safety,
Trichy District.

+1cc to Mr.T.R.Udayakumar, Advocate, S.R.No.15784
+1cc to Mr.G.Sankaran, Advocate, S.R.No.15436
+1cc to the Government Pleader, S.R.No.15309

W.P.No.7725 of 2016

SCD(CO)
CA(22/03/2016)

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