

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.8166 of 2016

Dr.T.Kalaivani

.. Petitioner

Vs

1. The Commissioner of Food Safety and
Drug Administration,
Chennai - 6.

2.Dr.A.Pushpraj
Designated Officer,
Food Safety and Drug Administration Department,
Krishnagiri. .. Respondents
(impleaded as per the order of this Court
in WMP No.7495/2016, dated 09.03.2016)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the respondent in its R.No.1449/2016/S1/FSSA, dated 26.02.2016, and quash the same.

For petitioner : Mr.V.Vijay Shankar

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

For R2 : Mr.Bharatha Chakravarthy for
M/S.Sai, Bharath & Ilan

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 her from Krishnagiri District to The Nilgiris District.

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 Krishnagiri District where she was working as Designated Officer, to the Nilgiris 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 her husband has met with a serious accident, which necessitated hospitalization and surgery. Even now, he has been taking treatment, therefore, it is not possible to leave him alone along with her two school going children. To substantiate such claim, he has also produced the discharge summary given by the Ganga Medical Centre and Hospital (P) limited, Coimbatore.

3. Learned counsel for the petitioner further submitted that if the Court is inclined to dismiss the writ petition, in that case, some two months time may be given to join in the new place, as the same would enable her to make some arrangement to take care of her husband and children and by pleading so, learned counsel sought time till 30.04.2016 to join in the new place.

4. 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.Pushparaj has been transferred and posted at the Krishnagiri 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.

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, however, as stated by the learned counsel for the petitioner, since the petitioner's husband has met with an accident, which resulted in fixing of screw on his left knee, this Court deems fit to give her some time to join at the new place so that she may be able to take care of her husband. Therefore, by considering such aspect, this Court, without disturbing the transfer order, directs the first respondent to allow her to join at the Nilgiris District in the first week of April, 2016. It is for the first respondent to make suitable arrangement in the said place till then.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Food Safety and
Drug Administration,
Chennai - 6.

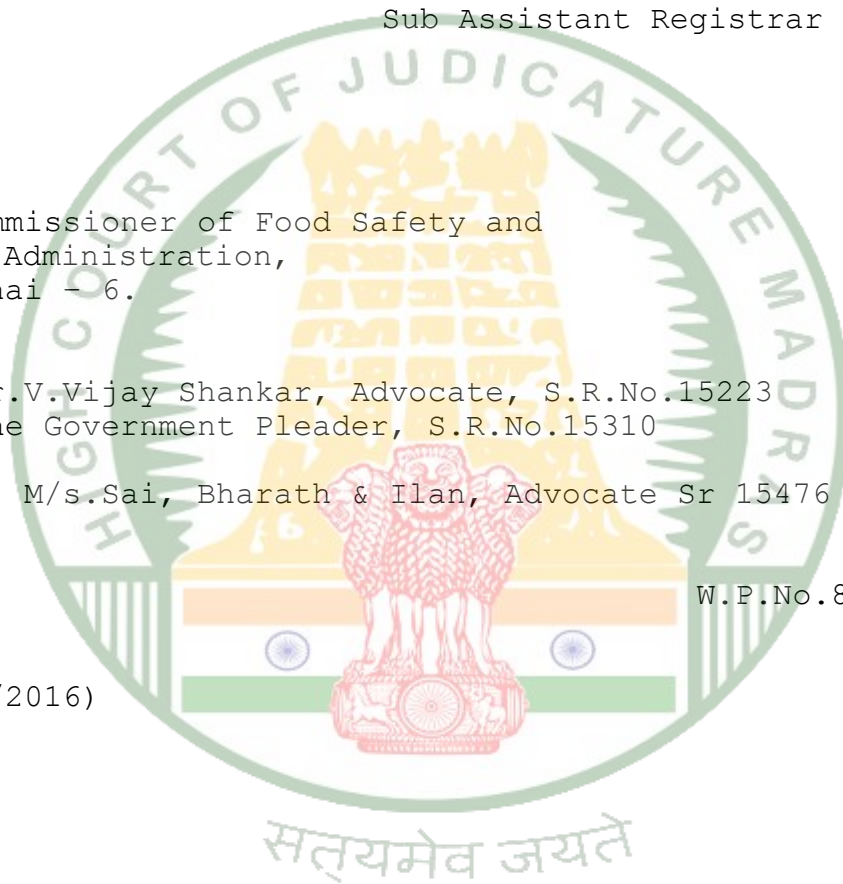
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.15223

+1cc to the Government Pleader, S.R.No.15310

+ 1 cc to M/s.Sai, Bharath & Ilan, Advocate Sr 15476 (14/6/16)

W.P.No.8166 of 2016

mpi (CO)
srg (17/03/2016)



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