

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.8792 of 2016

W.M.P.Nos.7796 and 7797 of 2016

P.Sumathi

... Petitioner

Vs.

1. The Chief Engineer (WRD) General,
Public Works Department,
Chennai-5.
2. Mrs.M.Janaki,
Assistant Executive Engineer,
PWD (WRD),
Office of the Superintending Engineer,
Upper Cauvery Circle,
Salem.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's impugned order No.s(1) 20003/2016-20, dated 08.02.2016, passed by the 1st respondent the transferring the petitioner from Salem to Gudiyatham, Vellore District, quash the same and further direct the 1st respondent to permit the petitioner to serve in the very same place.

For Petitioner : Mr.A.E.Kalaiselvan

For Respondents : Mr.A.Kumar,
Special Government Pleader

O R D E R

Writ petition has been filed, challenging the impugned order No.s(1) 20003/2016-20, dated 08.02.2016, passed by the Chief Engineer (WRD) General, Public Works Department, Chennai-5, 1st respondent herein, transferring the petitioner from Salem to Gudiyatham, Vellore District, on the ground that the impugned transfer is illegal, since it has been effected during non-transferable period, without any valid reason.

2. Adding further, learned counsel for the petitioner would submit that the 1st respondent has passed the impugned transfer order, only to accommodate the 2nd respondent, in the place of the petitioner. When the 2nd respondent was sought to be transferred from Lalgudi to Madhuranthagam, Kancheepuram District, she has failed to report for duty and in the result, the impugned order of transfer has been passed by the 1st respondent, in order to accommodate the 2nd respondent in his place, for which, the petitioner should not be unnecessarily disturbed.

3. Adding further, learned counsel for the petitioner submitted that the 1st respondent, with a mala fide intention to disturb the petitioner and do favour for the 2nd respondent, has passed the impugned transfer order, which is against the law. Continuing his argument, he would submit that the petitioner is suffering from nervous problem and taking periodical treatment in the hospital at Salem and therefore, at this juncture, if the impugned transfer order is effected, she cannot travel 250 Kms., daily from Salem.

4. Although, citing the above reasons, learned counsel for the petitioner prayed to set aside the impugned transfer order, this Court is not inclined to consider any of the contentions made, for the following reasons. Firstly, the petitioner has completed three years continuously in the present place. Similarly, the 2nd respondent, having completed the transfer period, has been brought to the petitioner's place.

5. That apart, transfer is not only an incident of service, but a condition of service. It is well settled that no Government has indefeasible right to stay at one place, till his/her retirement and he/she has to accept the place of transfer, without any demur, if it is done on administrative ground. The petitioner has completed three years in the present place and therefore, she has no right to challenge the impugned order of transfer.

6. In view of the above, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

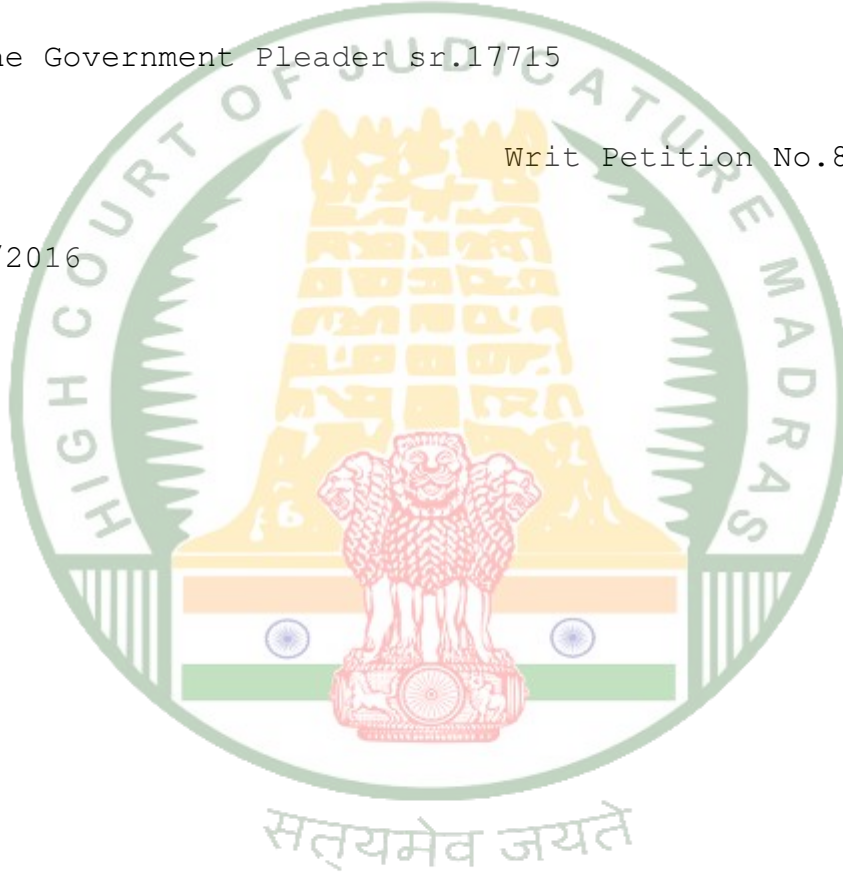
To

- 1.The Chief Engineer (WRD) General,
Public Works Department,
Chennai-5.
- 2.The Assistant Executive Engineer,
PWD (WRD),
Office of the Superintending Engineer,
Upper Cauvery Circle,
Salem.

+lcc to the Government Pleader sr.17715

Writ Petition No.8792 of 2016

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srg 21/04/2016



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