

In the High Court of Judicature at Madras

Dated : 04.07.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.9674 of 2017 &
W.M.P.Nos.10644, 10645 of 2017

S. Anbazhagan,

...Petitioner

Vs

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2 .The Commissioner,
Panchayat Union Office,
Mayiladuthurai.
Nagapattinam District.

3. P.A. To Collector (Development),
Nagapattinam District,
Nagapattinam.

4.The Commissioner,
Panchayat Union Office,
Thirumarugal,
Nagapattinam District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari calling for
records in connection with impugned proceedings in Na.Ka.4599/Uu
Va.2/2015 dated 23.09.2016 issued by the first respondent quash
the same.

For Petitioner :Mr. P. Gurunathan

For Respondents:Mr.S.Gunasekaran

Additional Government Pleader
for R1 to R3

Mr.A.Zakkir Hussain

Government Pleader for R4

ORDER

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

2. The challenge in this writ petition is to the order of transfer, issued by the District Collector-third respondent in order No.Na.Ka.4599/Uu Va.2/2015 dated 23.09.2016

3. Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the 4th respondent.

4. The writ petitioner is working as a Jeep Driver and he was transferred from Mayiladuthurai to Thirumarugal within the same District.

5. The learned counsel appearing for the petitioner contended that the impugned order of transfer was issued due to the announcement of the local body election by the Election Commissioner and the election is not yet conducted and it is postponed from time to time therefore, the writ petitioner ought to have been restored to his original place.

6. Such an argument, advanced by the learned counsel for the petitioner, deserves no merit consideration, in view of the fact that, transfer is incidental to any Government employee. Transfer of an employee issued on administrative grounds cannot be questioned by an employee and he has to join in the place where he posted.

7. This Court is of the view that transfer can be challenged only on the ground of jurisdiction or malafide or incompetency by the authority, who issued the transfer order. In the absence of substantiating any of these grounds, the Court cannot issue any writ, quashing the order of transfer. It is more or less administrative in nature. Such being the legal principle in the subject of transfer, this Court is not inclined to grant any relief in this writ petition, and accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Nagapattinam District,
Nagapattinam.
- 2 .The Commissioner,
Panchayat Union Office,
Mayiladuthurai.
Nagapattinam District.
3. P.A. To Collector (Development),
Nagapattinam District,
Nagapattinam.

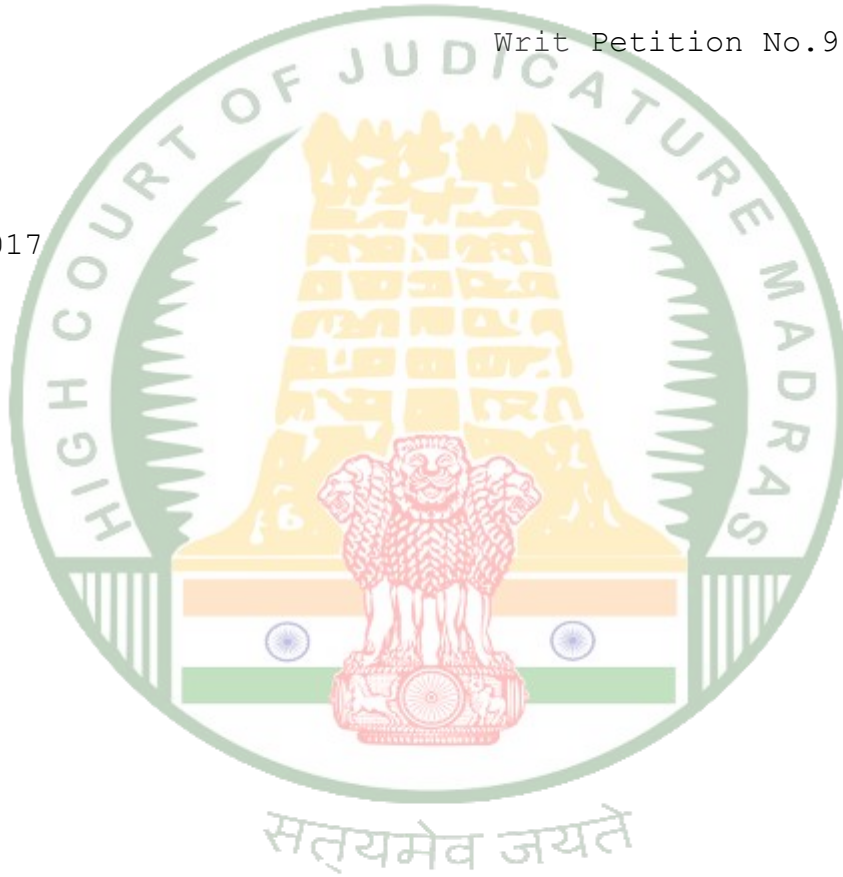
4.The Commissioner,
Panchayat Union Office,
Thirumarugal,
Nagapattinam District.

+1 cc to Mr.P.Gurunathan Advocate sr 46775
+1 cc to Mr.A.ZakkirHussain Advocate sr 46784
+1 cc to the Government Pleader sr 46921

Writ Petition No.9674 of 2017

ks (co)

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