

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21031 of 2014

And

M.P.Nos.1, 2 and 3 of 2014

Dr.R.Palaniappan

.. Petitioner

-vs-

1.The Director,
Directorate of Animal Husbandry and
Veterinary Services Central Office Buildings,
Block II, DMS Complex,
Chennai-600 006.

2.M.S.Raja

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent in Na.Ka.No.788/C1/2014-1 dated 31.7.2014 and quash the same.

For Petitioner - Mr.K.Ramasamy

For Respondent-1 - Mr.K.Thangapandi,
Government Advocate.

सत्यमेव जयते

ORDER

An order of transfer issued by the first respondent in proceedings dated 31.7.2014 is under challenge in this writ petition.

2. The writ petitioner was working as Assistant Director of Animal Husbandry and he was transferred from Attur, Salem District to Hosur, Krishnagiri District.

3. On perusal of the order of transfer, it is clear that it is a routine administrative transfer issued to the writ petitioner. However, the writ petitioner has challenged the same on the ground that the first respondent has yielded to the pressures resorted to by the second respondent. In the event of raising certain allegations against the competent authorities, it is necessary that those authorities to be impleaded as party in their personal capacity. But without substantiating the allegations, the writ petitioner has made bald allegations against the first respondent. Such general allegations raised against the authorities, cannot be considered in this writ petition.

4. This Court is of the view that transfer is an incidental to service, more-so, a condition of service. Administrative transfers cannot be interfered with in a routine manner. The writ petition against an order of administrative transfers shall be entertained only under exceptional circumstances and not in a routine manner. An order of transfer can be questioned on the ground of jurisdiction, incompetency and on the allegation of mala fides. Even in case of raising the allegation of mala fides, the authority against whom such an allegation is raised to be impleaded as a party in writ proceedings in his personal capacity. In the absence of any of these legal grounds, no writ can be entertained against the order of administrative transfer.

5. The writ petitioner, being a public servant, has to serve wherever he is posted and therefore the question of considering the grounds in respect of his personal grievances, does not arise at all. It is for the writ petitioner to approach the appropriate competent authorities in respect of redressal of his personal grievances and this Court cannot consider the same in this writ petition under Article 226 of the Constitution of India. This apart, the order of transfer was issued on 31.7.2014 and now after a lapse of about three years, the question of considering the grounds raised in this writ petition, does not arise at all.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

Svn

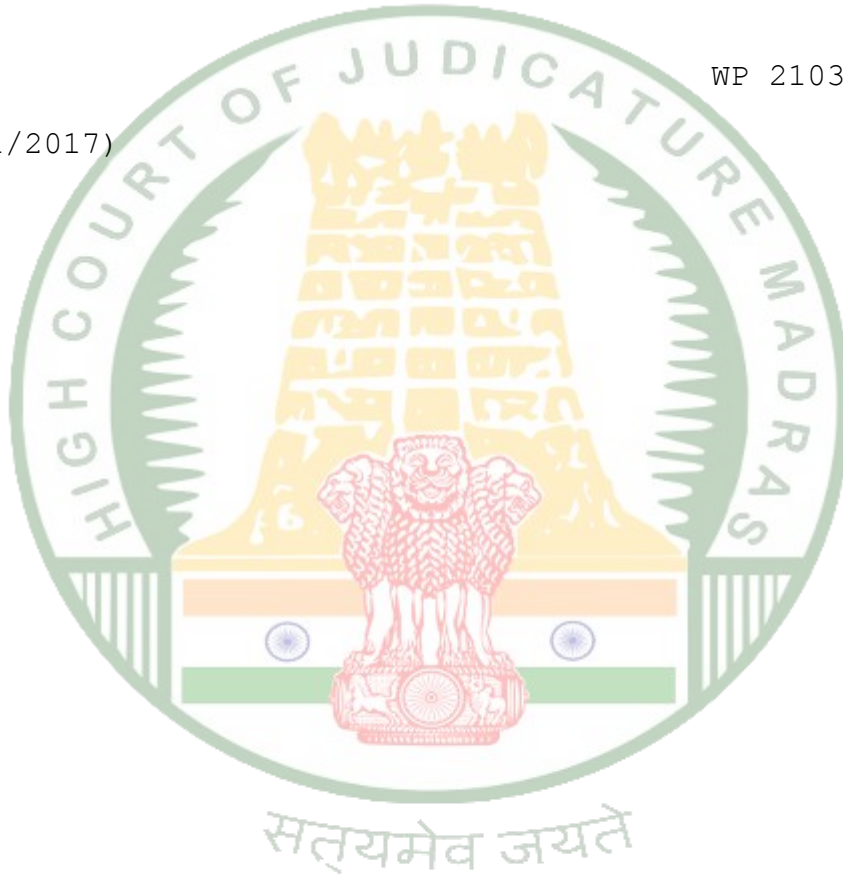
To

The Director,
Directorate of Animal Husbandry and
Veterinary Services Central Office Buildings,
Block II, DMS Complex,
Chennai-600 006.

+1 C.C. to M/S.K.RAMASAMY Advocate SR.NO. 74864

WP 21031 of 2014

T.R (01/11/2017)



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