

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.979 of 2017

K.T.Sakthivelu .. Appellant/Petitioner

-vs-

1. The Principal Secretary/Commissioner
Land Survey and Land Records
Chepauk
Chennai
2. The Regional Deputy Director
Land Survey and Land Records
Coimbatore
3. The Assistant Director
Survey and Land Records
Collectorate Buildings
Erode-11
4. The Tahsildar
Gobichettipalayam Taluk Office
Gobichettipalayam
Erode District

.. Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 11.07.2017 made in W.P.No.15379 of 2017.

W.P.No.15379 of 2017:- Writ Petition is filed under Article 226 of the constitution of India, for issuance of a Writ of certiorarified Mandamus, to call for records of the impugned transfer order passed by the 3rd respondents in his proceedings in Na.ka.A2/ 2757 /2017 dated 07/06/2017 and consequential relieving order passed by the 4th respondent in his proceedings in Na.Ka.No.2826 /2017 /S1 dated 07.06.2017 and quash the same and consequently direct the Respondents 3 and 4 to allow the petitioner to work in the 4th respondent office as a Nambiyur Firka Surveyor.

For Appellant :: Mr.D.Ravichander
For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant and the learned Special Government Pleader for the respondents.

2. The appellant/writ petitioner has challenged the order of transfer in the writ petition and after hearing the parties, the learned single Judge has dismissed the writ petition holding, in paragraph-6, as follows:-

"6. Thus, this Court is of the firm opinion that an order of transfer may be challenged on limited grounds in exceptional circumstances and not in a routine manner. The grounds raised in this writ petition deserves no further consideration and the writ petitioner has to face the charges independently and the order of transfer passed on administrative grounds deserves no further consideration.

7. Accordingly, the Writ Petition stands dismissed. However no order as to costs. Consequently, connection miscellaneous petition is closed."

3. We do not find any ground to interfere with the order passed by the learned single Judge, as it is a well settled legal position that transfer is an incident of service. In the case on hand, although the first transfer order was on the request of the appellant/writ petitioner, once again he has been transferred on administrative grounds in contemplation of enquiry and the same cannot be said to be punitive in nature. Moreover, this Court would not ordinarily interfere with an order of transfer on administrative grounds, unless any mala fides or want of jurisdiction is shown. In these circumstances, the writ appeal is dismissed directing the appellant to report for duty at the transferred place, if not reported already. Consequently, C.M.P.No.13615 of 2017 is also dismissed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ss

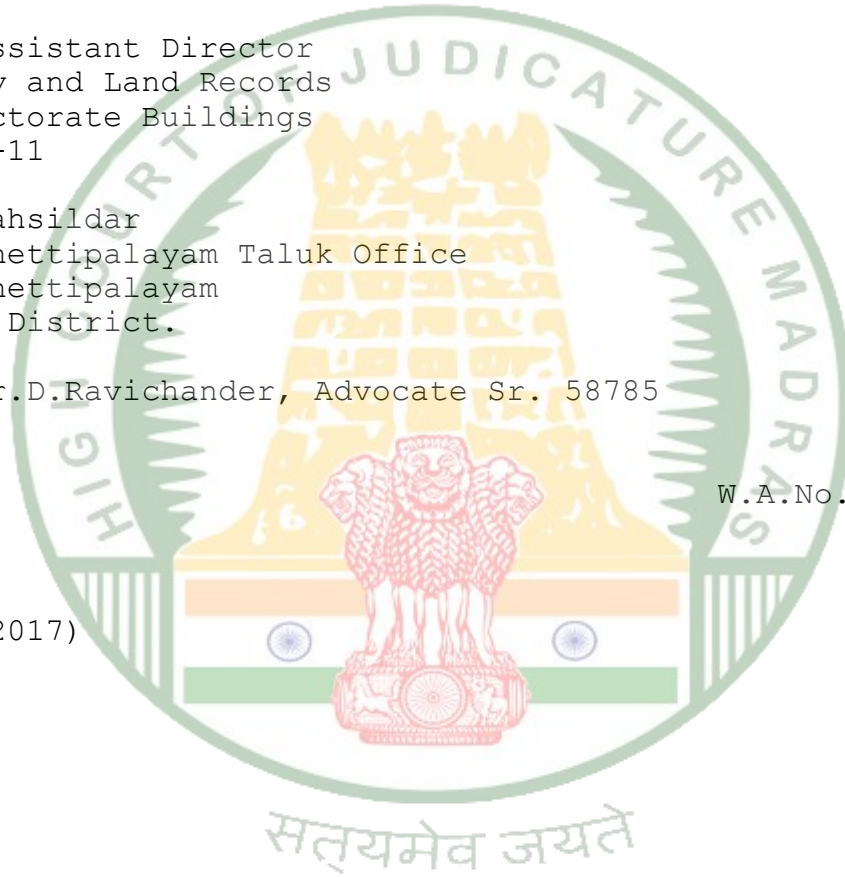
To

1. The Principal Secretary/Commissioner
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Erode District.

+1cc to Mr.D.Ravichander, Advocate Sr. 58785

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SKS (CO)
VR(08/09/2017)



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