

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12374 of 2017

and M.P.No.12374 of 2017

T.Mahendra Varman .. Petitioner

Versus

- 1.The Joint Director (Craftsman Training),
Directorate of Employment & Training,
Guindy, Chennai 600 032
2. The Principal,
Government ITI,
Cuddalore.
3. The Principal,
Government ITI,
Ulunderpet, Cuddalore District.
4. P.Santhini Nesalin,
Hostel Warden/Physical Education Officer,
Government ITI,
Ulunderpet, Cuddalore District. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records relating to the impugned punitive transfer order passed by the first respondent herein in its proceedings Se.Mu.Order No.21430/ThoNuPa 1-2016-2 dated 29.04.2017.

For Petitioner : Mr.G.Bala
For Respondents : Mr.A.Zakkir Hussain (for R1 to R3)
Government Advocate.

O R D E R

The order under challenge is a transfer issued by the 1st respondent in proceedings dated 29.04.2017. The Petitioner is holding the post of Warden and as such he was transferred from Cuddalore to Ulundurpet, Government Industrial Training Institute.

2. The learned counsel appearing for the writ petitioner contended that earlier the writ petitioner was transferred from Government Industrial Training Institute for Women, Cuddalore to Government Industrial Training Institute, Cuddalore vide proceedings dated 21.09.2016 and the present transfer order is issued within seven months. Therefore, the present transfer order is liable to be set aside in view of the Government guidelines issued on transfer policy. The learned counsel further contended that a Government employee is eligible to continue in one post atleast for a period of 3 years and such being the policy of the Government, the present transfer order is to be set aside.

3. The learned Government Advocate, appearing for official respondents contended that the earlier transfer order issued to the petitioner was within the Cuddalore town and therefore, the same cannot be construed as a transfer outside the District. This apart transfer is a condition of service and incidental to service. Any public servant has no right to claim the post or place as a matter of right. Rule 40 of the Tamilnadu State and Subordinate Service Rules contemplates transferring of employees by the appointing authority. The guidelines issued by the Government in the form of instructions will not have a force of statutory rule and such guidelines are only directory for the purpose of following the same by the subordinate officers concerned and such instructions can never be construed as a rule or will confer any right to the Government employees.

4. Since the writ petitioner has been transferred from Cuddalore to Ulundurpet, which is not far away and situated within the Cuddalore District such being the factum of the case, this Court is not inclined to consider the grounds and the arguments advanced by the learned counsel for the petitioner. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director (Craftsman Training),
Directorate of Employment & Training,
Guindy, Chennai 600 032

2. The Principal,
Government ITI,
Cuddalore.

3. The Principal,
Government ITI,
Ulunderpet, Cuddalore District.

+1cc to M/s.G.Bala & Daisy, Advocate, S.R.No.37270

+1cc to the Government Pleader, S.R.No.37226

W.P.No.12374 of 2017

NM(CO)
RS(12/05/2017)



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