

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12649 of 2017
and
WMP No.13474 of 2017

S.Vijayalakshmi

.. Petitioner

vs.

1.The Deputy Director General NCC,
National Cadet Corps Directorate,
Tamil Nadu, Puducherry and Andaman
Nicobar,
Fort St. George,
Chennai-600 009.

2.The Commanding Officer,
10 (TN) Bn NCC,
Vellore - 632 006.

3.K.R.Sreekanth
(R-3 impleaded as per order of
Court dated 3.8.2017 in
WMP No.17207 of 2017 in
WP 12649 of 2017)

.. Respondents

WEB COPY

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned proceedings of the first respondent in Memorandum No.1343/3/SC dated 28.4.2017 and quash the same in so far as the petitioner is concerned and consequently, direct the respondents to permit the petitioner to serve the post of Superintendent in Vellore itself under the second respondent.

For Petitioner : Mr.S.Sathia Chandran

For Respondents-1&2 : Mr.M.Perumal,
Government Advocate.

For Respondent-3 : Mr.B.Jawahar

ORDER

The order of transfer issued in proceedings dated 28.4.2017 is under challenge in this writ petition.

2. The writ petitioner is working as Superintendent in National Cadet Corps Directorate, O/o.10 (TN) Battalion NCC at Vellore.

3. Pursuant to the impugned order of transfer dated 28.4.2017, the writ petitioner is transferred from Vellore to Chennai.

4. The learned counsel appearing for the writ petitioner contended that the writ petitioner has to look after her mentally retarded sister and she cannot move away from Vellore.

5. 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 issued against the order of transfer.

6. The learned counsel for the writ petitioner contended that the sister of the writ petitioner is a mentally retarded person and taking continuous treatment at Vellore. The writ petitioner is holding a responsible position in the Office of the respondent and such sympathetic grounds shall be considered only by the competent authorities and not by the Constitutional Courts.

7. This Court is of the firm view that in our Great Nation in every family there is a death and in every family there is a person who is suffering from various ailments. No family can be identified in this country without having any one of this kind of problems. In the event of considering all these sympathetic grounds, it will amount to interference by the Court on the routine administration of the State. The Court cannot interfere with the day-to-day administration of the State and it is for the competent authorities to consider all kinds of such representations made

S.M.SUBRAMANIAM, J.

Svn

by the employees. The Court cannot interfere with in the day-to-day administration, more-so, in the matter of administrative transfers.

8. In this view of the matter, no further consideration is required to be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

03-08-2017

Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

Svn

To

1.The Deputy Director General NCC,
National Cadet Corps Directorate,
Tamil Nadu, Puducherry and Andaman
Nicobar,
Fort St. George,
Chennai-600 009.

2.The Commanding Officer,
10 (TN) Bn NCC,
Vellore - 632 006.

WP No.12649 of 2017