

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 15391 of 2016

A.Gowri Sunder Petitioner

Vs.

1. The Commissioner,
Food Safety and
Drug Administration Department,
5th floor, No. 359,
Anna Salai,
Teynampet (DMS Campus)
Chennai.

2. The Designated Officer,
Food Safety and
Drugs Administration Department
No.3, Anna Salai,
Town Hall Campus,
Vellore.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the application dated 15.04.2016 for 'Request Transfer' to Tambaram Municipality or Hosur Municipality as Food Safety Officer.

For Petitioner : Mr.G.Rajan

For Respondents: Mr.R.S.Selvam
Government Advocate

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O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to consider the application

dated 15.04.2016 with regard to the request transfer application submitted by the writ petitioner at Tambaram Municipality or Hosur Municipality as Food Safety Officer.

2.The writ petitioner was appointed as Sanitary Inspector in the Vellore Corporation in the year 2011, subsequently, he was appointed as Food Safety Officer under the Food Safety Act. However, the writ petitioner has submitted an application seeking transfer to a particular post at Tambaram Municipality or at Hosur Municipality.

3.Transfer is incidental to service and more so, the condition of service. Transfer can never be claimed as a matter of right and a public servant working in a Government Department is liable to be transferred by the competent authorities. Post or place can never be claimed as a matter of choice and an application seeking request transfer may be considered only by the Competent Authorities under the rules. Issuing an order of administrative transfer is a prerogative of the competent authorities in order to run the administration effectively.

4.The Constitutional Courts cannot interfere with the day-to-day administration of the state and it is for the authorities to effect transfer in the interest of the public as well as in the interest of the administration. If any request transfer application is submitted by the employees, it is left open to the authorities to consider the case based on the guidelines issued in this regard by the Government and the Court cannot issue any such order in the nature of recommendation, so as to consider the case of the writ petitioner for transfer to a particular post.

5.This apart, this Court is of the view that the public servants are duty bound to work wherever they are posted. Post or place can never be claimed as a matter of choice. Public servants are enjoying a status in the society. By virtue of their status they are bound to serve 24x7 equal to 365 days for the public and they cannot seek any exemption, in this regard. This being the principles laid down to be adopted in respect of the public servants and the relief sought for in this writ petition cannot be granted. In view of the fact that the writ petitioner claims that he wants a post at Tambaram Municipality or at Hosur Municipality. Thus, this Court is not inclined to consider the relief sought for in this writ petition.

6. Accordingly, the writ petition stands dismissed.
However, there is no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

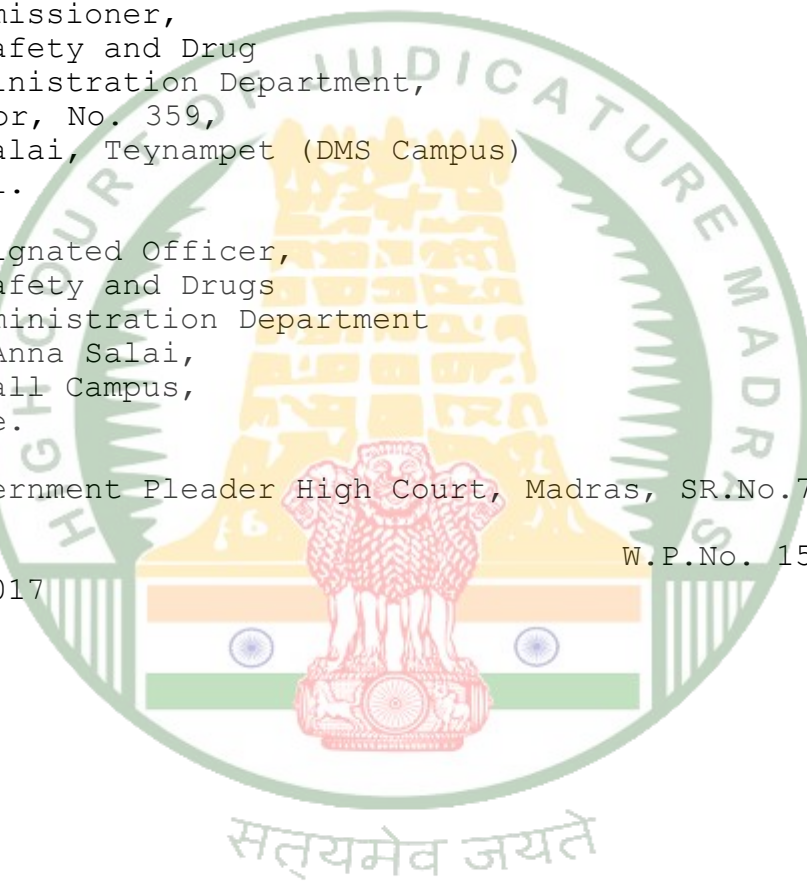
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+1cc to Government Pleader High Court, Madras, SR.No.70675/17

W.P.No. 15391 of 2016

SDR 28.10.2017



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