

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No.23391 of 2017

C.Ellapan

..Petitioner

Vs.

The Superintending Engineer,
Office of the Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tamilnadu Electricity Board, (DEDC)
Central Office, Thiruvannamalai.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, or any other writ or direction, Directing the respondent to consider the petitioner's representation dated 08.01.2015, 01.07.2015, 02.01.2016, 01.07.2016, 00.01.2017, 14.07.2017 which has been given for transfer from Polur Division to Chengam Division.

For Petitioner : Mr. S. Arokia Maniraj
For Respondents : Mrs.R. Varalakshmi

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider the petitioner's representation dated 08.01.2015, 01.07.2015, 02.01.2016, 01.07.2016, 00.01.2017, 14.07.2017, in order to transfer him from Polur Division to Chengam Division.

2. At the outset, the writ petitioner made out a claim to transfer him from Polur Division to Chengam Division and in this regard, the representations are submitted.

3. This Court cannot issue any direction in the form of recommendation to transfer a public servant from one place to another place. The writ can be entertained under Article 226 of the Constitution of India, only in the event of establishing the right by the petitioner. A semblance of establishing right is the pre condition for entertaining the writ petition under The Constitution of India. Transfer being an incident to service and a condition of service, can never be claimed as a matter of right. Place or post cannot be the right or choice to the public servant. Thus, this Court cannot issue any such direction, directing the competent authority to issue transfer order to Government employee from one place to another place. So also a direction to consider the representation submitted by the writ petitioner in this regard cannot be issued by this Court in this writ petition.

4. In this view of the matter, the contention raised in this writ petition is totally misconceived and the writ petitioner cannot be construed as an aggrieved person under law. He has not established any right for issuing any such direction as such, sought for in this writ petition. The grounds raised deserves no merit consideration, accordingly, the writ petition stands dismissed. There is no order as to costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rpl
To

The Superintending Engineer,
Office of the Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tamilnadu Electricity Board, (DEDC)
Central Office, Thiruvannamalai.

+1cc to M/S.S.Arokia Maniraj, Advocate Sr. 62441
+1cc to M/S.R.Varalakshmi, Advocate Sr. 63005

W.P. No.23391 of 2017

VD(CO)
VR(26/09/2017)