

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24039 of 2017

and

WMP.No.25365 of 2017

P.Subramanian

..Petitioner

Vs

1.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board
No.144, Anna Salai.

2.The Superintendent Engineer
Udumalpet Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited
Udumalpet 642 126.

3.The Assistant Engineer
O & M/UEDC,
Tamil Nadu Generation and Distribution
Corporation Limited
Dhalavaipatinam.

4.The Assistant Engineer (O&M)
Tamil Nadu Generation and Distribution
Corporation Limited
Kaniyur.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in Ku.Aa.No.874/NeA/Nir.1/U.1/Ko.Nir.Maruthal/2017 dated 22.08.2017 of the second respondent and consequential order in Ku.Aa.No.UMePo/E&Pay/Tha.Patinam/VaAa/Ko.Relieving/A.No.025/2017 dated 26.08.2017 of the third respondent and the quash the same.

For Petitioner	: Mr.Tamizh Law Firm for
	: Mr.R.Amardeep
For Respondents	: Mr.P.R.Dhilip Kumar

O R D E R

The order of transfer dated 22.08.2017, and the relieving order dated 26.08.2017 are under challenge in this writ petition. The learned counsel appearing for the writ petitioner strenuously contended that the writ petitioner is working as Inspector of Revenue Supervisor and an account of promotion, the writ petitioner was promoted and posted as Revenue Supervisor at Dhalavaipatinam.

2. The learned counsel states that immediately within two months from the date of joining at Dhalavaipatinam, the writ petitioner was once again transferred to Kanniyur on administrative grounds. Pursuant to the order of transfer, the writ petitioner was relieved by the third respondent in proceedings dated 26.08.2017 and now the writ petitioner is on medical leave, relieved from service. The learned counsel states that the transfer within a period of two months is arbitrary and therefore, the petitioner must be allowed to continue in the same station at Dhalavaipatinam.

3. Dhalavaipatinam and the transferred place Kanniyur are within the Taluk of Udumalpet and therefore, there will not be any hardship for the writ petitioner to join. The order of transfer was issued on administrative grounds and therefore, this Court cannot interfere with the administrative transfers. The learned counsel appearing for the writ petitioner states that the transfer will affect his normal life of the family and this Court is of the view that the personnel grievances and medical grounds are to be addressed before the competent authority and this Court cannot consider personnel grounds in order to set aside the order of administrative transfer.

4. It is left open to the writ petitioner to submit his grievances before the authorities concerned and the authorities competent can consider the same in accordance with law.

5. Transfer is an incidental to service, more so, a condition of service and an order of transfer cannot be challenged in writ proceedings and the Court cannot entertain the writ petition, challenging the order of transfer in a routine manner. A writ in this regard can be entertained only on exceptional circumstances. In the event of an order of transfer issued by the incompetent authority, having no jurisdiction are an allegation of mala fides are raised. Even in case of raising the allegation of the mala fides, the authority against whom such an allegation is raised to be impleaded as a party respondent in the writ proceedings in his personnel capacity. If the order of transfer is in violation of statutory Rules, then also writ proceedings can be entertained. In the absence of any one of these grounds, no writ can be

entertained against an order of transfer.

6. On a perusal of the order of transfer, this Court is of the opinion that the same was issued on administrative grounds and the Court cannot entertain in the day to day administration of the department and it is for the competent authority to post an employee in a place or post for effective administration. A public servant can never claim a particular place or post as a matter of right and it is for the competent authority to take a decision in this regard impartially and on administrative grounds. Thus, in the absence of any such exceptional circumstances, no writ can be issued in favour of the petitioner. In view of the matter, no further adjudication on the merits needs to be undertaken and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

- 1.The Chief Engineer (Personnel)
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VC (10/10/2017)