

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19582 of 2015
and
M.P.Nos.1 & 2 of 2015

G.Palani

...Petitioner

Vs.

1. The Principal Chief Conservator of Forests
And Head of Forest Department,
Panagal Buildings, Chennai 600 015.
2. The Conservator of Forest,
Vellore Circle,
Vellore 632 009.
3. A.Manimegalai,
Senior Draughting Officer,
O/o. Principal Chief Conservator of Forests,
(Head of Forest Department),
Chennai 600 015

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent in and by proceedings Na.Ka.No.S1/24672/2014-2 dated 30.06.2015, quash the same and allow the petitioner to be retained in his post and place.

For Petitioner

: Mr.M.Ravi

For Respondents

: Mr.M.Santhanaraman

Addl. Govt. Pleader (Forest)
for R1 & 2

Mrs.Selvi George for R3.

O R D E R

The order of transfer dated 30.06.2015 is under challenge in this writ petition. The writ petitioner was promoted to the post of Senior Draughting Officer in proceedings dates 22.08.2013 and posted in various range officers in Vellore. The writ petitioner

was continuing in the said post of Senior Draughting Officer in Vellore. The writ petitioner continued in the said post from August 2013 onwards. Thereafter, an order of transfer was issued by the first respondent in proceedings dated 30.06.2015, transferring the writ petitioner from Vellore to Chennai. The order stipulates that the transfer was imposed on administrative grounds. Impugned order of transfer of the third respondent, to the place of the petitioner and vice-versa and the request application as mentioned in the reference to the order dated 30.06.2015.

2. The Learned Counsel appearing for the writ petitioner contended that though the transfer order was said to have been issued on administrative grounds, it is not actually so and the impugned order was issued only at the request of the third respondent, more so, to entertain the claim of the third respondent. Thus the impugned order was issued based on other considerations and there is no actual administrative reason while issuing the order of transfer.

3. Further, the Learned Counsel appearing for the writ petitioner contended that the writ petitioner has to look after the aged father who is suffering from various ailments and his native place is also Vellore. Therefore, he has to continue his office in the native place of Vellore for some more period.

4. The Learned Counsel appearing for the third respondent opposed the contention stating that no doubt that the request was submitted, but, the administrative grounds stated in the impugned order is independent to that of the request made by the third respondent. Thus the order of transfer issued, cannot be interfered, since the writ petitioner has already continued in the post at Vellore for about four years. The post of Senior Draughting Officer is a responsible post and having continued in this post for more than four years, the writ petitioner cannot claim right over the post for further continuation. The writ petitioner pursuant to the interim order granted by this court, continued for two years in the same post at Vellore and no further consideration can be shown to the writ petitioner in this regard.

5. This court is of the view that the order of transfer can be interfered by this Court only under the exceptional circumstances and not in a routine manner. Transfer is an incidental to service, more so, a condition of service. Only on the limited grounds of jurisdiction when the transfer was issued by the incompetent authority or with malafide intention, the order of transfer can be challenged. Even in case of alleging malafide intention, the authority against whom such an allegation is raised to be impleaded as a respondent in the writ petition, in his personal capacity. In the absence of the

legal grounds, the transfer order cannot be challenged and no writ can be issued against the order of administrative transfers.

6.Thus, the writ petitioner at the time of filing of the writ petition, completed two years of service and thereby virtue of interim order granted in this writ petition, continuing two more years and accordingly the writ petitioner has served about four years in the present post at Vellore. Thus, no further consideration is to be provided to the writ petitioner for his continuation at Vellore.

7.With the above observation, the writ petition deserves no adjudication or further consideration. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. However, no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Chief Conservator of Forests
And Head of Forest Department,
Panagal Buildings, Chennai 600 015.
2. The Conservator of Forest,
Vellore Circle,
Vellore 632 009.

+1cc to Mrs.Selvi George, Advocate Sr. 53021

+1cc to Mr.M.Ravi, Advocate Sr. 52927

+1cc to the Special Government Pleader Sr. 52983

सत्यमेव जयते
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W.P.No.19582 of 2015

VR(10/08/2017)