

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 22447 of 2015
and
W.M.P.Nos. 1 & 2 of 2015

K.Inbaraj

... Petitioner

Vs.

1. The Chairman,
National Insurance Co. Ltd.,
No.3, Middleton Street,
Kolkatta - 700 001,
West Bengal.
 2. The General Manager,
National Insurance Co. Limited,
No.3, Middleton Street,
Kolkatta - 700 001,
West Bengal.
 3. The Deputy General Manager,
National Insurance Co. Ltd.,
Chennai Regional Office,
No.190, Anna Salai,
Chennai - 600 006.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records pertaining to the impugned office order No. CNRO/PERS/2015 dated 08.07.2015 of the 3rd respondent and quash the same as illegal and void.

For Petitioner : Mr. Ravikumar Paul
Senior Counsel
for M/s.Paul & Paul

For Respondents : Mr. Anandgopalan
For M/s.T.S.Gopalan & Co.

O R D E R

The order of transfer dated 8th July 2015 issued by the 3rd respondent transferring the writ petitioner is under challenge in this writ petition.

2. The learned Senior Counsel appearing for the writ petitioner contended that at the relevant point of time when the writ petition was filed, the respondent /insurance company has issued guidelines stating that an employee is entitled to continue in one post for a minimum period of 5 years. But subsequently the rule was relaxed and the writ petitioner is now eligible to continue even beyond five years in Chennai.

3. However, it is contended that the writ petitioner is having certain personal grievances and the same is also to be taken note of. This apart, the writ petitioner is holding in-charge of office at Vellore and he is an efficient officer of National Insurance Company.

4. The learned counsel appearing for the respondent opposing the contention made by the learned Senior Counsel would state that the writ petitioner is continuing in and around Chennai from 2002 onwards and almost 12 years he is serving in and around Chennai. Thus, the order of transfer is to be given effect to and the writ petitioner has no rights to contest at this point of time, since, he has already completed more than 10 years of service in and around Chennai.

5. Considering the arguments advanced both by the learned Senior Counsel for the writ petitioner and the learned counsel for the respondents, this Court is of the firm opinion that the transfer is an incidental to service, more so, a condition of service. A writ petition challenging the order of transfer need not be entertained in a routine manner and only on exceptional circumstances an order of transfer may be quashed. The place of work and the post can never be claimed as a matter of right by an employee and it is the discretion of the Competent Authority to implement the Government schemes and policies by posting the employees in a right manner.

6. This being the principle and the transfer being incidental to service, this Court is not inclined to interfere with the order of transfer impugned in this writ petition. The power of judicial review on transfers are certainly limited. Intermediate intervention has to be exercised cautiously and cannot be done in a routine manner, more specifically in the matter of administrative transfers.

7. Such being the view of this Court, the transfer order passed by the 3rd respondent in the case on hand, transferring the writ petitioner from Chennai to Bangalore on 18th April 2015, thus, has no infirmity. The guidelines /instructions on transfer policies are issued only for the competent authority to implement the Government schemes and policies by posting the employees in a right manner. Such policies are issued in order to maintain uniformity. Such instructions/circulars/ guidelines will not confer any legal right on the writ petitioner to claim the place of work. Such being the legal principles in the matter of transfers, this Court cannot interfere in the order of transfer impugned in this case. Thus, no further consideration or adjudication is required.

8. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

may a

To

1. The Chairman,
National Insurance Co. Ltd.,
No.3, Middleton Street,
Kolkatta - 700 001, West Bengal.

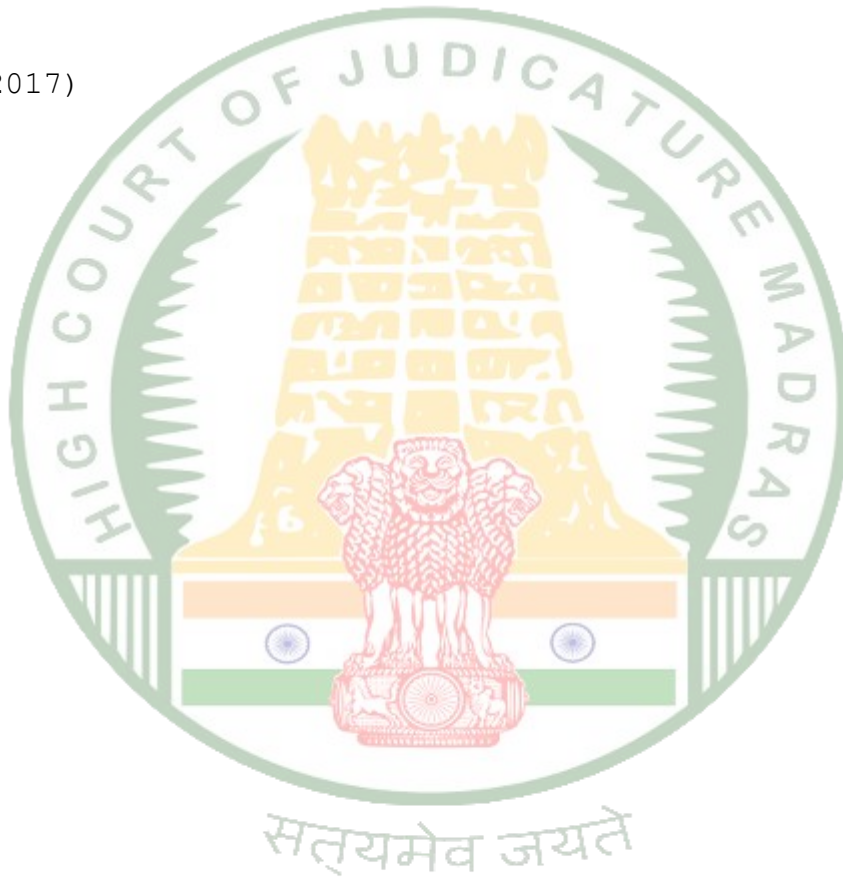
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National Insurance Co. Ltd.,
Chennai Regional Office,
No.190, Anna Salai,
Chennai - 600 006.

+1cc to M/S.Paul & Paul, Advocate Sr. 56816
+1cc to Mr.T.S.Gopalan & Co, Advocate Sr. 56656

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SK (CO)
VR(08/09/2017)



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