

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2017

CORAM

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

W.P. No.1704 of 2017

and

W.M.P.No.1673 of 2017

S.Vasumathi

... Petitioner

.Vs.

1. The Director,
The Office of the Director of
Medical and Rural Health Services,
Chennai 600 006.
2. The deputy director of health services (TB)
District TB Center,
Government Headquarters Hospital campus,
Erode.
3. The Hospital superintendent,
Government headquarters hospital,
Thiruvallur District,
Thiruvallur.

...Respondents

Prayer : Petition filed Under Article 226 of the Constitution of India to issue of Writ of certiorari, calling for the entire records of the 1st respondent pursuant to his proceedings of impugned order in reference No.77855/E5/3/2016-1 dated 08.12.2016 which was issued to the petitioner on 29.12.2016.

For Petitioner : Mr.T.Sellapandi

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The order of transfer dated 08.12.2016 is impugned in this writ petition. The writ petitioner was working as a lab Technician Grade-I at District Tuberculosis Center, Erode. Through the impugned transfer order the writ petitioner is transferred from Erode to Government Headquarters Hospital at Thiruvallur, in the existing vacancy. In the impugned order itself, it is stated that the transfer posting order was issued on administrative reasons. Administrative transfer to the Government employees are incidental to service, more so a condition of service.

2. The Government servants have no right to claim the place or post as a matter of right and they have to serve for the public in the interest of our great nation, wherever they are posted. Certain personal inconvenience expressed by the writ petitioner has to be addressed only through the Authorities concerned and this Court cannot consider those circumstances advanced by the writ petitioner in this writ petition.

3. The personal grievances are prevailing almost in every family of this country and the writ petitioner cannot identify one family where there is no grievance. Interestingly, this Court has to observe that the writ petitioner cannot show a family where there is no death and where there is no ailment and medical treatment. Recently, the disease of Diabetic and Blood Pressure are most common in our nation.

4. Thus, such grievances are to be addressed to the authorities concerned and it is for the authorities to decide, consider and take a view on those aspects. This Court cannot have any such sympathetic approach, taken out in this writ petition. Transfer being an incidental to service, the Court cannot issue any direction or quash the proceedings in a routine manner. An order of transfer can be challenged only in exceptional circumstances, in the event of the order being passed by the authority, who is not competent or without jurisdiction and if such an order was issued on malafides. Even in case of alleging malafide, the authority against whom into such allegation is raised, has to be impleaded as a party in his writ proceedings in personal capacity. In the absence of any grounds stated supra no writ petition can be entertained against the order of administrative transfer passed by the authorities.

S.M.SUBRAMANIAM,J.

smn/kas

5. In such view of the matter, no further consideration is required in this writ petition. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, no order as to costs.

19.07.2017

smn/kas

Index:Yes/No

Internet:Yes/No

To.

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