

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.28172 of 2017

C.S.Gayathiri

... Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Bharathipuram, Dharmapuri.

2. The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Uthangarai Branch,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records on the file of the first respondent in connection with the order passed by him in his proceedings No.BA2/5232/TNSTC/DHAPURI/2017, dated 30.10.2017, and to quash the same.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.P.Paramasivados

O R D E R

Mr.P.Pramasivados, learned standing counsel for the respondent Corporation takes notice for the respondents and with the consent of either side, the writ petition itself is taken up for final disposal.

2. Challenging the impugned order of transfer dated 30.10.2017 passed by the first respondent / the General Manager, TNSTC, Dharmapuri, transferring her from Dharmapuri Region to Uthangarai Branch, Krishnagiri District, the petitioner has filed this writ petition.

3. It is stated by the learned counsel for the petitioner that initially, the petitioner was appointed as

Junior Assistant on 04.06.2015 on a daily wage basis and thereafter, her services were regularised on 04.06.2016 and she is now working under the first respondent. It is further stated that recently, the petitioner gave birth to a female child on 08.01.2017 by way of caesarian operation. Therefore, it is contended, at this stage, transferring the petitioner to a distance of 80 kms away from her present work place would cause huge prejudice to her child and other family members.

4. On the other hand, it is stated by the learned standing counsel for the respondents that the petitioner was appointed only on 04.06.2016 as Junior Assistant and subsequent to this, her services also were regularised. Now, she is posted to a place where the vacancy has arisen and the said transfer order has been passed only due to administrative exigency. Therefore, it is contended, she cannot question the impugned transfer order passed on the administrative ground.

5. It is settled legal proposition that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in that matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Therefore, the impugned order of transfer passed by the first respondent due to administrative exigency cannot be questioned by the petitioner.

6. Thus, on this score, I do not find any merit in the writ petition and accordingly, the same is dismissed. No Costs. WMP.No.30305 of 2017 is closed. Needless to mention that the petitioner is granted one week time from today to report to the place where she has been transferred through the present impugned order.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rkm

To

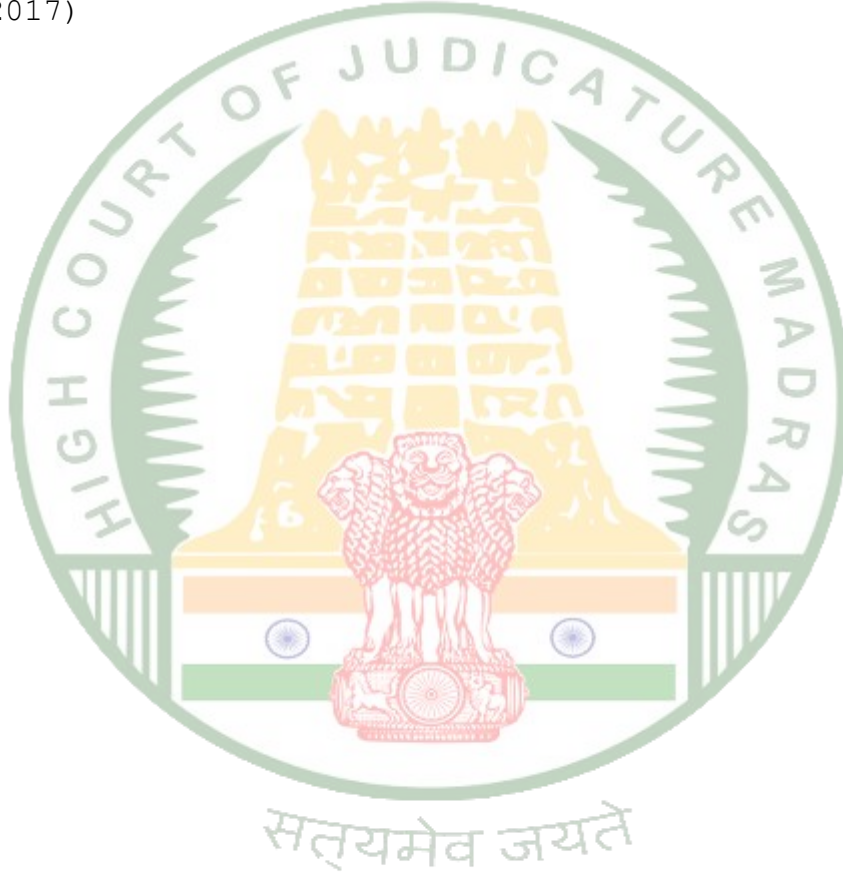
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+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.79875

W.P.No.28172 of 2017

CA(CO)
CA(15/11/2017)



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