

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.18766 of 2017

and

WMP.Nos.20286 and 20287 of 2017

Thiru.L.Sankariya

... Petitioner

Versus

The Conservator of Forests,
O/o The Conservator of Forests,
Vellore Circle, Vellore.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus calling for the records relating to the transfer order issued by the respondent in Pa.Aa.No.67/2017 dated 17.07.2017 cancelling the order in Pa.Aa.No.62/2017 dated 06.07.2017, and quash the same and consequently direct respondent to allow the petitioner to as Forest Ranger in Gudiyattam Territorial Range.

For Petitioner : M/s.T.Dharani

For Respondents : Mr.M.Santhana Raman
Additional Government Pleader
(Forest)

सत्यमेव जयते
O R D E R

The writ petitioner was issued with an order of Transfer in Proceeding dated 06.07.2017 and the petitioner was transferred from Social Forest Division, Gudiyattam to Forest Range Office at Gudiyattam. Interestingly, the writ petitioner was transferred within the Gudiyattam, Vellore District, itself.

2. The Learned counsel appearing for the writ petitioner stated that the writ petitioner in pursuant to the earlier transfer dated 06.07.2017 joined at Forest Range Office at Gudiyatham. Within a period of twelve days, the said order has been cancelled in Proceedings dated 17.07.2017 and therefore,

the writ petitioner is constrained to move this writ petition questioning the order of cancellation dated 17.07.2017.

3. On perusal of the order impugned, it is stated that the order of transfer dated 06.07.2017 was cancelled on account of certain administrative reasons. That apart, the original transfer dated 06.07.2017, the writ petitioner was transferred within a same division. More so, in Gudiyattam itself. Thus, this Court is unable to find out any substantial grievances or hardship caused on account of an order of cancellation issued by the respondent in cancelling the earlier transfer order dated 06.07.2017. The transfer is an incidental to service, more so, the condition of service.

4. The order of transfer can be interefered only on exceptional circumstances and this Court under Article 226 of the Constitution of India cannot entertain the writ petition challenging the transfer order in a routine manner. The administrative transfers issued by the authorities is for effective administration and only in such case, where the order of transfer is issued without jurisdiction or by an incompetent authority or the same was issued with on malafides, this Court can interefere. Therefore, in the writ proceedings, even in the case of raising allegation of malafide, the authority against whom such an allegation raised has to be impleaded as a party to the writ proceedings.

5. In the absence of any of the reasons cited supra, no writ / direction can be issued in the order, more specifically, when the transfer order was issued on administrative reasons. Such being the legal dictum consistently followed by the Courts in the matter of transfers, the present writ petition cannot be entertained.

6. In the result, the writ petition stand dismissed. Consequently connected Miscellaneous Petitions are closed. However, no order as to cost.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Conservator of Forests,
O/o The Conservator of Forests,
Vellore Circle, Vellore.

+1cc to Mr.T.Dharani, Advocate, S.R.No.51733

+1cc to the Special Government Pleader(Forest), S.R.No.52035

W.P.No.18766 of 2017

and

W.M.P.Nos.20286 and 20287 of 2017

GJ II(CO)
CA(10/08/2017)



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