

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.5244 of 2015  
and  
M.P.No.1 of 2015

P.R.Muthukumaran

...Petitioner

Vs.

1. The Director  
Periyar EVR Building  
Nandanam  
Chennai - 600 035.

2. The Managing Director  
Salem Co-Operative Sugar Mills Ltd.,  
Moganur - 637 015.  
Namakkal District.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records of the 2nd respondent herein culminating in the impugned transfer order bearing Na.Ka.No.1635/E2/2013 on the file of the 2nd respondent herein dated 11.2.2015 and to quash the same.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.L.P.Shanmuga Sundaram  
Spl. Government Pleader for R1

Mr.R.Bala Ramesh for R2

O R D E R

The order of transfer in Na.Ka.No.1635/E2/2013 dated 11.02.2015 issued by the 2nd respondent, transferring the writ petitioner from Salem Co-operative Sugar Mills to Chengalvarayan Co-operative Sugar Mills, Periya Sevalai, Villupuram District, is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner contended that the order of transfer has been issued during the middle of the academic year. This Court cannot show any

consideration on this kind of sympathetic submissions made by the writ petitioner, and such consideration has to be shown only by the competent authorities and Courts cannot interfere in administrative transfers on such grounds.

3. The writ petitioner is holding the post of Electrical Supervisor and pursuant to the orders passed by the 2nd respondent - Managing Director, dated 11.02.2015, the writ petitioner was transferred from Salem to Villupuram. Thus, it is an administrative transfer issued at the instance of the head of the Department and the transfer orders are incidental to service, more so, condition of service. All administrative transfers issued by the competent authorities are to be implemented and a judicial review under Article 226 of the Constitution of India shall be exercised only under exceptional circumstances, if the transfer orders are issued without jurisdiction or on malafides. Even in the case of raising the allegation of malafide, the authority against whom such an allegation is made, has to be impleaded as a party in the writ proceedings in his personal capacity. In the absence of any one of the legal grounds, no writ can be entertained challenging the administrative ground transfers. Transfers are effected by the competent authorities for effective administration of the institution and such transfer orders cannot be interfered with any ordinary circumstances. Only on exceptional grounds, orders of transfer can be interfered with.

4. Accordingly, no further consideration is to be shown, on the grounds raised in this writ petition. Thus, the writ petition stands dismissed. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Director  
Periyar EVR Building  
Nandanam  
Chennai - 600 035.

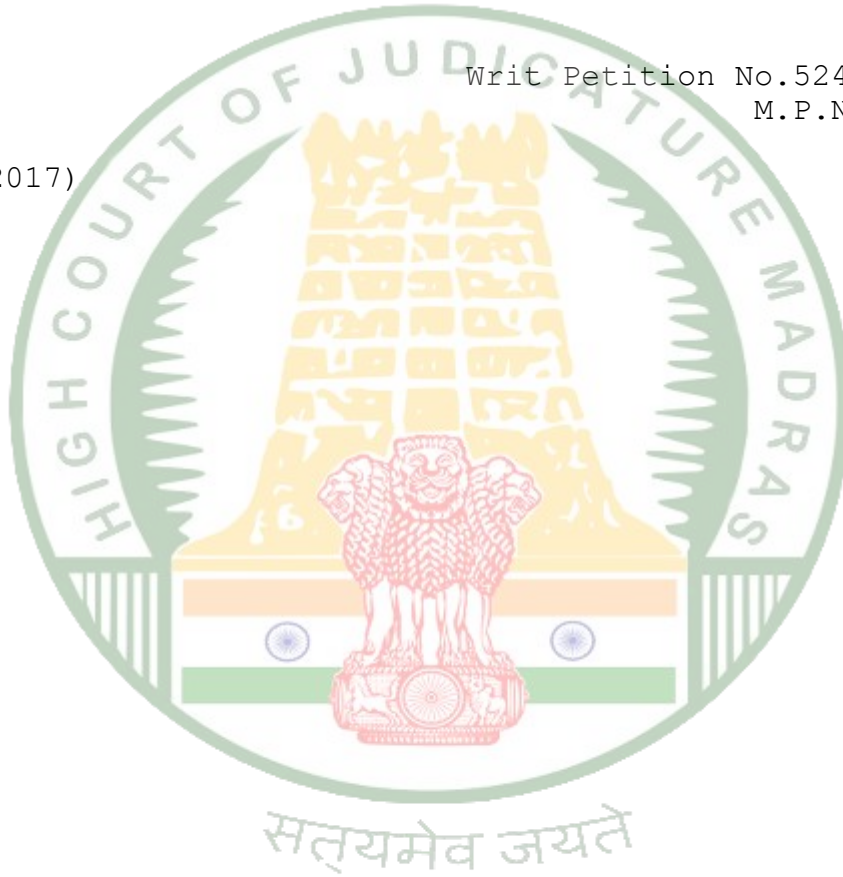
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2. The Managing Directorate  
Salem Co-Operative Sugar Mills Ltd.,  
Moganur - 637 015.  
Namakkal District.

+1 Cc to Mr.R. Balaramesh, Advocate sr 56526.  
+1 Cc to MR.N.R. Sivakumar, Advocate sr 56675.

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SP(05/09/2017)



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