

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2017

CORAM

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

W.P.No.25944 of 2013

and

MP.Nos. 1 & 2 of 2013

P.Ramasamy

S/o. Periyasamy

... Petitioner

Vs

1. The District Adi Dravidar and Tribal Welfare Officer
Villupuram District,
Villupuram.
2. The Special Tahsildar
Adi Dravidar and Tribal Welfare Department
Kallakurichi Taluk
Villupuram District.
3. Tutor cum Warden
Virugavur Government Adi Dravidar Welfare Boys Hostel
Kallakurichi Taluk
Villupuram District. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent dated 24.07.2013 made by way of endorsement in Attendance Register of Government ADW Boys Hostel, Virugavur, Kallakurichi Taluk, Villupuram District and quash the same and consequently, allow the petitioner to continue to work in virugavur Government ADW Boys Hostel, Kallakurichi Taluk, Villupuram District with continuity of service and arrears of salary.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Perumal

O R D E R

In the order of transfer dated 24.07.2013, the writ petitioner was transferred from Mottayanur, Sangarapuram Taluk to Virugavur, Kallakurichi Taluk, which is under challenge in this writ petition.

2. Even as per the Government guidelines, in the matter of transfer, the Government servants can serve in one post for a period of three years. The writ petition challenging the

order of transfer dated 24.07.2013 was filed on 16.09.2013 and now, already the tenure of three years have been completed.

3. This Court, has to consider the scope of filing of the writ petition against the order of transfer. The order of transfer is incidental to service, more so a condition of service. The order of transfer can be challenged only on limited grounds and a writ petition filed under Article 226 of the Constitution of India can be entertained only on exceptional circumstances. Judicial review against an order of transfer is certainly limited and the Government Servants, wherever they are posted, they are bound to serve for the Public and in the interest of Administration. In view of the fact that already the writ petitioner has served in the station for more than three years. Now, after a lapse of four years from the date of filing of the writ petition, a question of considering his claim to continue in the same post and place, does not arise at all.

4. Thus, this Court is not inclined to consider the grounds raised in this writ petition at this point of time. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Adi Dravidar and Tribal Welfare Officer
Villupuram District,
Villupuram.
2. The Special Tahsildar
Adi Dravidar and Tribal Welfare Department
Kallakurichi Taluk
Villupuram District.
3. Tutor cum Warden
Virugavur Government Adi Dravidar Welfare Boys Hostel
Kallakurichi Taluk
Villupuram District.

+lcc to Government Pleader SR.No.81680

W.P.No.25944 of 2013

sm:29.11.2017