

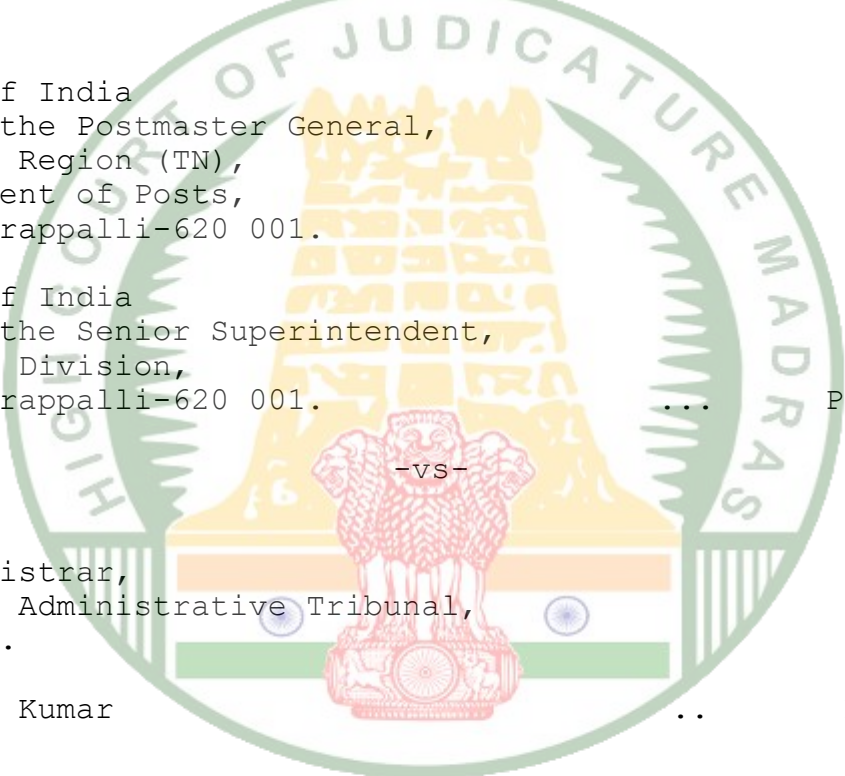
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.39097 of 2016
and
W.M.P.No.33487 of 2016

- 
1. Union of India
rep.by the Postmaster General,
Central Region (TN),
Department of Posts,
Tiruchirappalli-620 001.
2. Union of India
rep.by the Senior Superintendent,
RMS "T" Division,
Tiruchirappalli-620 001. Petitioners
- vs-
1. The Registrar,
Central Administrative Tribunal,
Chennai.
2. B.Ashok Kumar .. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records from the file of the first respondent made in O.A.No.310/189/2014 dated 30.10.2015 and quash the same.

For Petitioners :: Mr.Su.Srinivasan,
Asst.Solicitor General of India

For Respondents :: Mr.Yogesh Kannadasan for R2
R1-Court

ORDER

(Order of the Court was made by

HULUVADI G.RAMESH, J.)

Originally, the second respondent entered into the services of the Postal Department on 26.05.2010 as Sorting Assistant, at Vridhachalam. Subsequently, on his own request, he was transferred to Ariyalur during the year 2011 and thereafter, he was posted at Tiruchirappalli during the year 2012, again on his own request. In these circumstances, the first petitioner has transferred the second respondent to Vridhachalam by order dated 28.01.2014. The second respondent challenged the said proceedings before the first respondent-Tribunal and the Tribunal, by order dated 30.10.2015, quashed the said proceedings holding that as per the principles enunciated by the Hon'ble Supreme Court, if an order is passed in infraction of any professed norms or principles governing the transfer, which could be scrutinised judicially, the Tribunal or Court may interfere with such orders when a judicially manageable and permissible ground is made out.

2.Challenging the said order of the Tribunal, the present writ petition has been filed by the Department.

3.It is the stand of the Department that normally, officials are transferred to other units as per the request / seniority of the officials and subject to availability of vacancies in the new unit. The learned Asst.Solicitor General of India has submitted that when there is no request for particular place or position, it is for the administration to decide who and where a Government servant has to be transferred, keeping in mind the interest of the organisation. It is his further submission that the administration is vested with the power of transferring any official under its control in the interest of service. Stating so, the learned Asst.Solicitor General prayed for quashing the impugned order passed by the Tribunal.

4.The learned counsel for the second respondent has submitted that the impugned order passed by the Tribunal is in accordance with law and the same does not require any interference by this Court.

5.Heard the learned counsel on either side. On a perusal of the impugned order passed by the Tribunal, we find that the reasons stated by the Tribunal for quashing the transfer order, appears to be not sound. Further, as rightly contended by the learned Asst.Solicitor General of India, the interest of the organisation has to be taken care of, while effecting transfer.

Hence, while quashing the impugned order passed by the Tribunal dated 30.10.2015 in respect of the second respondent, we direct the second respondent to join duty at the transferred place, on or before 1st December 2017.

6.The writ petition is allowed, accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

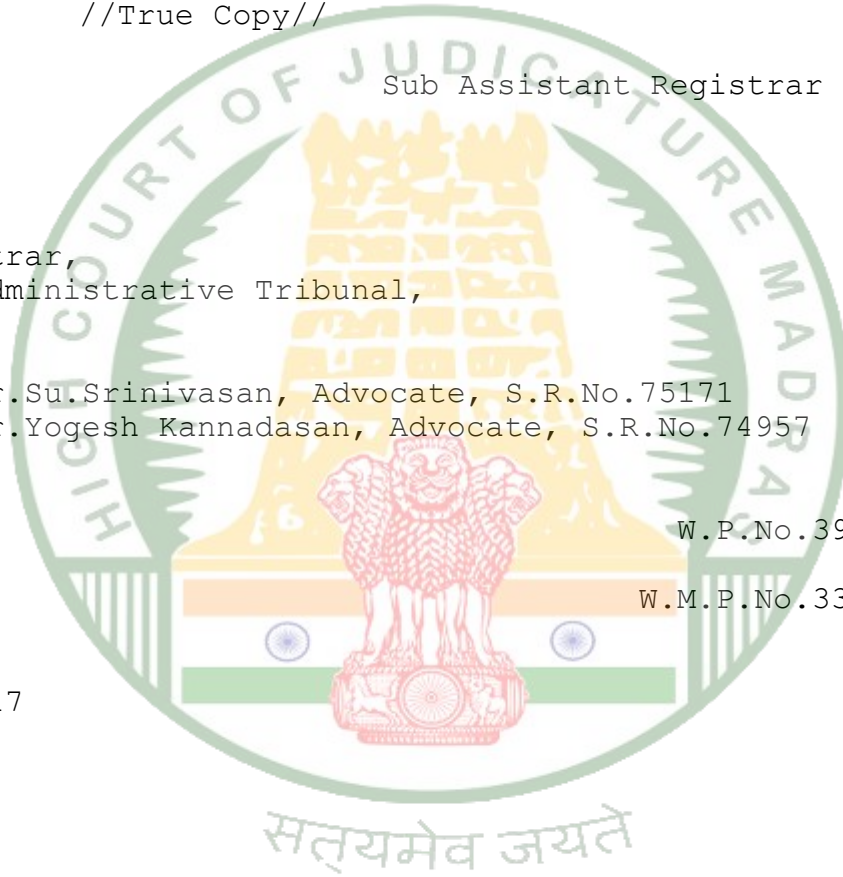
The Registrar,
Central Administrative Tribunal,
Chennai.

+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.75171

+1cc to Mr.Yogesh Kannadasan, Advocate, S.R.No.74957

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RV(CO)
CS/21/11/17



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