

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) No.12425 of 2017**and****W.M.P. (MD) Nos.9574 & 9575 of 2017**

A.Rani

... Petitioner

Vs.

1. The District Adi Diravvidar and Tribal Welfare Officer,
Tirunelveli,
Tirunelveli District.

2. The Warden,
Govt. Girls Hostel (Adi Diravidar Welfare),
Ambasamudram.

3. The Warden,
Govt. Girls Hostel (Adi Diravidar Welfare),
Nallammalpuram,
Tirunelveli District.

4. Vembuammal,
Watchman,
Govt., Girls Hostel, (Adi Diravidar Welfare),
Ambasamudram,
Tirunelveli District.

... Respondents

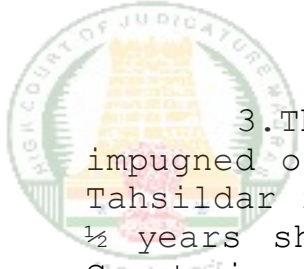
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the first respondent in his proceedings Na.Ka.A4/51370/2014, dated 27.06.2017 and quash the same as illegal and consequently direct the respondents to permit the petitioner to continue his service before the 4th respondent.

For Petitioner : Mr.T.Selvan.

For Respondents : Mr.R.Karthikeyan,
Addl. Govt. Pleader.**O R D E R**

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The petitioner has come to this Court challenging the correctness of the impugned order of transfer passed by the first respondent in his proceedings in Na.Ka.A4/51730/2014, dated 27.06.2017 for transferring the petitioner from Ambasamudram to Nallammalpuram on administrative ground.



3. The sole ground taken by the petitioner to assign the impugned order shows that when she was transferred by the Special Tahsildar from Tirunelveli to Ambasamudram on 19.01.2016, within 1½ years she can not be subjected to second transfer. But this Court is unable to accept the reason given by the petitioner, since the distance between the second respondent office at Ambasamudram and the third respondent Office at Nallamalpuram is only 60 km. Hence, I find no justification in the writ petition, because a distance of 60 km is not a matter today. Moreover, it is well settled legal position that no order of transfer shall be interfered by the Court, unless there is a violation of statutory rules or malafide. In the present case, neither of the above is made out. Further, transfer is not only an incident of service, but also a condition of service. As I mentioned above, the petitioner has been transferred only to a short distance of 60 kms, hence, she cannot come to this Court questioning transfer. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Adi Diravvidar and Tribal Welfare Officer,
Tirunelveli,
Tirunelveli District.
2. The Warden,
Govt. Girls Hostel (Adi Diravidar Welfare),
Ambasamudram.
3. The Warden,
Govt. Girls Hostel (Adi Diravidar Welfare),
Nallammalpuram,
Tirunelveli District.

+1cc to M/S. T.SELVAN, Advocate, SR.No.63802.

+1cc to Special Government Pleader, SR.No.63697.

W.P. (MD) No.12425 of 2017
05.07.2017