



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP (MD) No.12703 of 2017

A.Mohideen Khan

... Petitioner

vs.

1) The Managing Director,
The Tamil Nadu Civil Supplies Corporation
(TNCSC)
Head Office, No.10, Thambuchamy Salai,
Kilpauk, Chennai-10.

2) The General Manager (Administration),
The Tamil Nadu Civil Supplies Corporation
(TNCSC)
Head Office,
No.10, Thambuchamy Salai,
Kilpauk,
Chennai-10.

3) The Senior Regional Manager,
The Tamil Nadu Civil Supplies Corporation
(TNCSC)
Regional Office,
Collectorate Complex,
Nagapattinam.

4) The Assistant Engineer (Mechanical),
M/s.Modern Rice Mill,
Pattukottai,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to transfer and retain the petitioner at the earlier working place of Modern Rice Mill, Akkur, Nagapattinam or some other Rice Mills situated in and around the previous working place or at the Regional Office of Nagapattinam from the transferred place of the 4th respondent's Rice Mill, Pattukottai, Thanjavur, by considering the Petitioner's Representation dated 07.06.2017.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For Respondents

: Mr.L.Prabhu
: Mr.K.Guru
Additional Government Pleader

**ORDER**

The petitioner has come to this Court seeking issuance of a Writ of Mandamus, directing the 1st respondent to transfer and retain him at the earlier working place of Modern Rice Mill, Akkur, Nagapattinam or some other Rice Mills situated in and around the previous working place or at the Regional Office of Nagapattinam from the transferred place of the 4th respondent's Rice Mill, Pattukottai, Thanjavur, by considering his representation dated 07.06.2017.

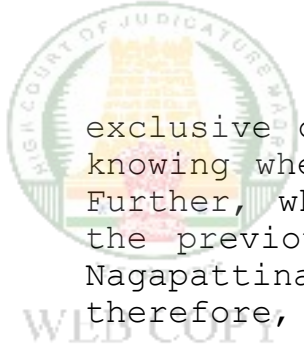
2.The learned counsel for the petitioner would submit that the petitioner lost his sister and her husband in Tsunami disaster took place in December 2004, as a result, he is taking care of their daughter as a guardian of the girl. The said girl is also studying +1 at Oriental Arabic Higher Secondary School, Akkur, Nagapattinam, which comes under the Muslim Minority Religious Educational Institutions. Since no such type of Muslim Minority Religious Educational Institution is situated in and around Pattukottai, Thanjavur District, he has given a representation on 07.06.2017 to respondents 1 to 3 with a request to transfer him back to the original place, but there was no any reply on his representation. Therefore, he has come to this Court with the present writ petition.

3.The learned counsel for the petitioner also requested this Court that there are vacancies in and around Nagapattinam District, therefore, alternatively, a direction may be given to the respondents to consider the case of the petitioner to transfer him in any of those vacancies.

4.Transfer is not only an incident of service, but also a condition of service. Further, in the matter of transfer, it is well settled by this Court as well as by the Honourable Apex Court in umpteen number of judgments that no transfer order can be questioned, unless it is proved that the said order is passed *mala fide* or in violation of the statutory Rules or the authority who passes the transfer order has no jurisdiction to pass the same.

5.Therefore, when a Government Servant who is transferred to another place due to administrative reason, cannot as a matter of right, challenge the correctness of the transfer order and that no Government servant has got indefeasible right to stay at one place for long time. If any Government servant is aggrieved by an order of transfer, such person can make a representation only to the employer. Further, in the matter of transfer who should be transferred, where and how should be transferred are all the matters left to the discretion of the employer concerned and not for the employee.

6.The contention of the learned counsel for the petitioner that there are vacancies in and around Nagapattinam District, is the



exclusive discretion of the employer concerned, who alone would be knowing where and who should be transferred at what point of time. Further, when the petitioner has worked for more than 9½ years in the previous place as Shift Engineer in Modern Rice Mill, Akkur, Nagapattinam, he cannot ask for re-transfer to the same place, therefore, this Court is not inclined to entertain the writ petition

Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

- 1) The Managing Director,
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(TNCSC)
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- 4) The Assistant Engineer (Mechanical),
M/s.Modern Rice Mill,
Pattukottai, Thanjavur District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64972
+ 1 CC TO Mr.L.PRABHU, ADVOCATE IN SR No. 64280

NBI

TE/MR-KKR/SAR-II : 28/07/2017 : 3P/7C

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