



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2017

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) .No14575 of 2017
and
W.M.P. (MD) Nos.11423 & 11424 of 2017

Abirami

.. Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Collector Office Campus,
Madurai District.

2.The Revenue Divisional Officer (Incharge),
Revenue Divisional Office,
Collector Office Campus,
Madurai District.

3.The Thasildar,
Taluk Office,
Thiruparankundram,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Transfer Order in Na.Ka.No.A/102/2017 dated 14.07.2017 on the file of the Respondent No.2 and consequential impugned relieving order in Na.Ka.6152/2017/A dated 14.07.2017 on the file of the Respondent No.3 and quash the same as illegal and consequently direct the Respondent Nos.2 and 3 to reinstate the petitioner in the Madakulam village.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

The Writ petition is directed against the impugned order of transfer in Na.Ka.No.A/102/2017 dated 14.07.2017, issued by the second respondent / Revenue Divisional Officer (Incharge), Madurai District.



Madakulam village from Kalikappan II Bit village on 28.06.2017. She joined duty on 05.07.2017. When the petitioner has not even completed ten days of service in the transferred place, again she has been transferred by the Impugned Transfer Order dated 14.07.2017, purely for the purpose of academic reasons. Therefore, the subsequent Transfer Order passed by the second respondent is liable to be set aside.

3.It is further submitted that after joining duty at Madakulam village, the petitioner has settled her family and children near Madakulam area. She has also made arrangements for her children to go to school. Therefore, at this stage, if the order passed by the second respondent transferring the petitioner to yet another place is allowed to stand, injustice would prolong.

4.This Court is unable to find any merit on the said submission. The reason is, the petitioner has been transferred to Madakulam Village in Thirupparankundram Taluk, vide order dated 28.06.2017, bearing Na.Ka.No.102/2017/A for administrative reason and she has been further transferred to another place which is not less than 10 Kms. Therefore, the petitioner is not going to suffer any prejudice.

5.The learned Additional Government Pleader appearing for the respondents supporting the impugned order would submit that no prejudice is caused to the petitioner since the petitioner has not been transferred to a far off place and the said transfer has taken place to the nearest place that too within 10 Kms.

6.This Court also finding favour with the submission made by the learned Additional Government Pleader, is unable to find any merit in this writ petition. Transfer is not only incident of service but also condition of service. And in the present case, the petitioner having not been transferred to a far off place, this Court is unable to entertain the present writ petition. Moreover, the petitioner has already joined in the transferred place. Therefore, the contention made by the petitioner that only to accommodate some one else, the present transfer order has been passed is false. The employer knows whom should be transferred. Therefore, in a matter like this, this Court should not wrongly interfere.

7.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

/True copy/



To

1.The District Revenue Officer,
District Revenue Office,
Collector Office Campus,
Madurai District.

2.The Revenue Divisional Officer (Incharge),
Revenue Divisional Office,
Collector Office Campus,
Madurai District.

3.The Thasildar,
Taluk Office,
Thiruparankundram,
Madurai District.

+1cc to Mr.T.LAJAPATHIROY,Advocate,SR. 70746

+1cc to M/S.Special Government Pleader,SR. 71287

W.P. (MD) No.14575 of 2017
04.08.2017

MR

KK/SVMMS/SAR 2/06.11.2017/ 3P- 6C/