



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.8889 of 2017

and

WMP(MD)Nos.6803 and 6804 of 2017

K.Asha Devi

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd,
Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd,
Railway Station New Road,
Kumbakonam.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned office order passed by the 2nd respondent in Ref.No.04-03/E1/PERSN/TNSTC(K)-NGT/2017, dated 26.04.2017, relieving the petitioner from Karaikkal Branch Office at Nagapattinam Region and transferring her to Poraiyar Branch Office at Nagapattinam Region, quash the same.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.04-03/E1/PERSN/TNSTC(K)-NGT/2017, dated 26.04.2017, relieving the petitioner from Karaikkal Branch Office at Nagapattinam Region and transferring her to Poraiyar Branch Office at Nagapattinam Region, to quash the same.

2.The petitioner was appointed as Office Assistant in the respondent Corporation on 16.06.1989. It is the contention of the petitioner that after 28 years of unblemished service, she has been transferred by the impugned order. Secondly, it has been contended that the petitioner is a widow living with two children



aged 19 and 10 years respectively and therefore, if the impugned transfer order is not set aside, she will be put to grave prejudice.

3. The learned standing counsel for the respondent corporation would submit that the petitioner has been transferred from Karaikkal Branch Office to Poraiyar Branch Office within the same Nagapattinam Region, that too commuting a distance of about 20 kilometers only and therefore, the impugned order need not be interfered with.

4. This Court finds merit in the submission made by the learned standing counsel for the respondent transport corporation. 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.

Therefore, this Writ Petition is dismissed. No costs. zs
Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer.

/True Copy/

Sub Assistant Registrar.

To

1. The Managing Director, Tamil Nadu State Transport Corporation (KUM) Ltd, Railway Station New Road, Kumbakonam.

2. The General Manager, Tamil Nadu State Transport Corporation (KUM) Ltd, Railway Station New Road, Kumbakonam.

W.P (MD) No. 8889 of 2017