

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1050 of 2018
and
C.M.P.No.8827 of 2018

S.Natarajan ... Appellant

-vs-

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk, Chennai-600 005.
- 2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
Gandhi Nagar, Vellore-632 006. ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.8170 of 2018 dated 11.04.2018.

WP.No.8170 of 2018:Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order dated 27.03.2018 issued by the first respodnent vide his proceedings No.19344/ENT/A3/2016 and quash the same and further direct the first respondent to retain the petitioner in the existing vacancy in Vellore district.

For Appellant :: Mr.L.Chandrakumar

For Respondents:: Mr.S.Eraskine Leo

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.8170 of 2018 before this Court challenging the order of transfer dated 27.03.2018 issued by the first respondent, transferring the appellant from Vellore to Nagercoil, on the ground that the said transfer was made by way of victimisation, as the appellant has

not yielded to the illegal requests of the second respondent in respect of honouring the bills submitted by the contractors running through several crores. The said writ petition was dismissed on 11.04.2018 observing that it is an administrative transfer and no error could be found in respect of administrative transfers. It was also observed that the appellant's post is a transferable one and further, he was directed to join in the transferred place without any further delay.

2.Challenging the said order passed, the present writ appeal is filed.

3.The learned counsel for the appellant has argued the matter in the similar lines as argued before the learned single Judge that the said transfer was made by way of victimisation, as the appellant has not yielded to the illegal requests of the second respondent in respect of honouring the bills submitted by the contractors running through several crores.

4.We have also heard the learned standing counsel appearing for the respondent Board on the submissions made by the learned counsel for the appellant, and perused the materials available on record.

5.The transfer order has been challenged on the ground of mala fides. Transfer is an incident of service. Generally, if an officer serves in a Department for more than 3 years, he is liable to be transferred. Of course, Nagercoil is far away from Vellore, but however, that cannot be taken as a ground for setting aside the transfer order. The order of transfer was passed on 27.03.2018, but till now, the officer has reported for duty in the transferred place. The place of work and the post can never be claimed as a matter of right by an employee and it is the discretion of the competent authority to implement the Government Schemes and policies by posting the employees in a right manner.

6.Considering the facts and circumstances of the case, the appellant is given time to join in the transferred place on or before 31.07.2018, and thereafter he can make a representation to the authorities in respect of his transfer, expressing his grievance. If such a representation is made, the authorities may consider the same sympathetically, if he is found to be transferred due to mala fides.

7.The writ petition is disposed of accordingly. No costs.
Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KM
To

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk, Chennai-600 005.
- 2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
Gandhi Nagar, Vellore-632 006.

+1 cc to M/s.Law square Advocate sr 37567
+1 cc to M/s.S.Eraskine Leo Advocate sr 37384

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