

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.1229 of 2018 and CMP.No.10075 of 2018

N.Balasubramaniam

... Appellant

Vs

1. The Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

2. The Personal Assistant (General),
In charge to District Collector,
Coimbatore District, Coimbatore.

3. The Sub-Collector,
Pollachi, Coimbatore District.

4. M.Rahmathullah

.... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent
against the order dated 23.03.2018 made in W.P.No.6757/2018 by a
learned Single Judge.

WP.No.6757 of 2018

Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a writ of Certiorari,
Calling for the records relating to the order passed by the 2nd respondent in Na.Ka.800/2016/A5
dated 27.02.2018 and quash the same in so far as the petitioners are concerned

For Appellant :: Mr.A.Rajesh Kanna
For Respondents :: Mr.R.Govindasamy,
1 to 3 Special Government Pleader

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)
The Writ Appeal is directed against the order dated
23.03.2018 made in W.P.No.6757/2018 by a learned Single Judge.

2. The Writ Petition has been filed by the petitioner therein Challenging the impugned Order dated 27.02.2018 passed by the 2nd respondent in Na.Ka.800/2016/A5, thereby transferring the petitioners from Pollachi to Coimbatore. The said Writ Petition was dismissed by the learned Single Judge by order dated 23.3.2018. Aggrieved over the same, the 2nd Writ Petitioner alone is before this Court with this Writ Appeal.

3. Heard the learned Counsel for the appellant and the learned Special Government Pleader appearing for the respondents 1 to 3. We have also gone through the order passed by the learned Single Judge.

4. In paragraph 3 of the order made in W.P.No.6757 of 2018, the learned Single Judge has observed as follows:

''3. But this Court is not inclined to accept the said transfer because the said transfer cannot be counted as transfer causing prejudice. The reason is that the 1st petitioner has been transferred within Pollachi by order dated 6.2.2018. It is only a Staff Keeping Arrangement. Even in the present transfer order impugned, the petitioners have been transferred from Pollachi to Coimbatore within the same district. As the petitioners can reach the said place within a period of less than an hour from Pollachi, this Court is not inclined to entertain the Writ Petition as along with the petitioners two persons who have also been transferred, have not challenged the said transfer orders. Besides, it is settled legal proposition that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in that matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Therefore, the impugned order of transfer passed by the second respondent due to administrative exigency cannot be questioned by the petitioners.''

5. We find no error or infirmity in the order passed by the learned Single Judge of this Court. As rightly observed by the learned Single Judge in paragraph 3 of his order, it is settled legal proposition

that transfer of a Government servant appointed to a

particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Therefore, we find no merit for consideration in this appeal.

6. In the result, the Writ Appeal fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
2. The Personal Assistant (General),
In charge of District Collector,
Coimbatore District, Coimbatore.
3. The Sub-Collector,
Pollachi, Coimbatore District.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.39978

+1cc to the Government Pleader, S.R.No.40389

W.A.No.1229/2018

MP(CO)

GSp(12/07/2018)

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