

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5293 of 2018

and

W.M.P.Nos.6507 & 6508 of 2018

1. The Food Corporation of India
Workers Union,
Rep.by its Vice President,
I.Selvaraj
2. I.Selvaraj
3. K.Mathivanan
4. N.Nagalingam
5. M.Govindaraj
6. P.Sundar ... Petitioners

Vs.

1. The Union of India,
Rep.by its Secretary,
Ministry of Labour and Employment
Shram Shakti Bhavan,
New Delhi - 110001.
2. The Food Corporation of India
Rep.by its Chairman/Managing Director,
No.16 to 20, Barakhamba Lane,
New Delhi - 110001.
3. The Executive Director,
Food Corporation of India,
Zonal Office - South,
Opp. to Sastri Bhavan,
No.3, Haddows Road,
Chennai - 600 006.

4. The General Manager - Tamil Nadu
Food Corporation of India,
No.8, Sathyamoorthy Road,
Chetpet,
Chennai - 600 031.

5. The Area Manager,
Food Corporation of India,
District Officer,
FSD Egmore Complex,
No.8, Sathyamoorthy Road,
Chetpet,
Chennai - 600 031.

6. The Assistant Labour Commissioner (Central)
Ministry of Labour and Employment,
5th Floor Sastri Bhawan,
Haddows Road,
Chennai - 600 034.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of the India praying to issue a writ of certiorari mandamus, calling for the records of the 4th respondent in connection with his order dated 22.11.2017 in reference No.IR/L/DPS Admn/P&T/DOC/2008-17 and quash the same and further direct the respondents to retransfer the 4 gangs of workmen mentioned in the said order to the FSD Egmore Chennai and to refer all industrial disputes in the Food Storage Depot - Egmore to a competent Labour Tribunal for adjudication in accordance with law.

For Petitioner : Mr.R.Srinivas

For Respondents 1 & 6 : Mr.B.Babu Manohar

For Respondents 2 to 5 : Mr.S.Vijayakumar

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The relief sought for in the present writ petition is challenging the order of transfer dated 22.11.2017. However, the present writ petition challenging the said order of transfer is filed by the Labour Union. Transfer is an incidental to service, more so, the condition of service.

2. This being the status of an order of administrative transfer, only aggrieved individual is at liberty to challenge the transfer order, if the concerned workman chooses to do so. It is left open to the employees either to challenge the transfer order or to join duty in the transferred place.

3. In view of the fact that the transfer orders are issued on individual basis, it is left open to the aggrieved persons to challenge the order of transfer, if they choose to do so. Thus, no further adjudication needs to be entertained in respect of the common grounds raised by the union in respect of the administrative transfers issued by the management.

4. Accordingly, the writ petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Labour and Employment
Shram Shakti Bhavan,
New Delhi - 110001.

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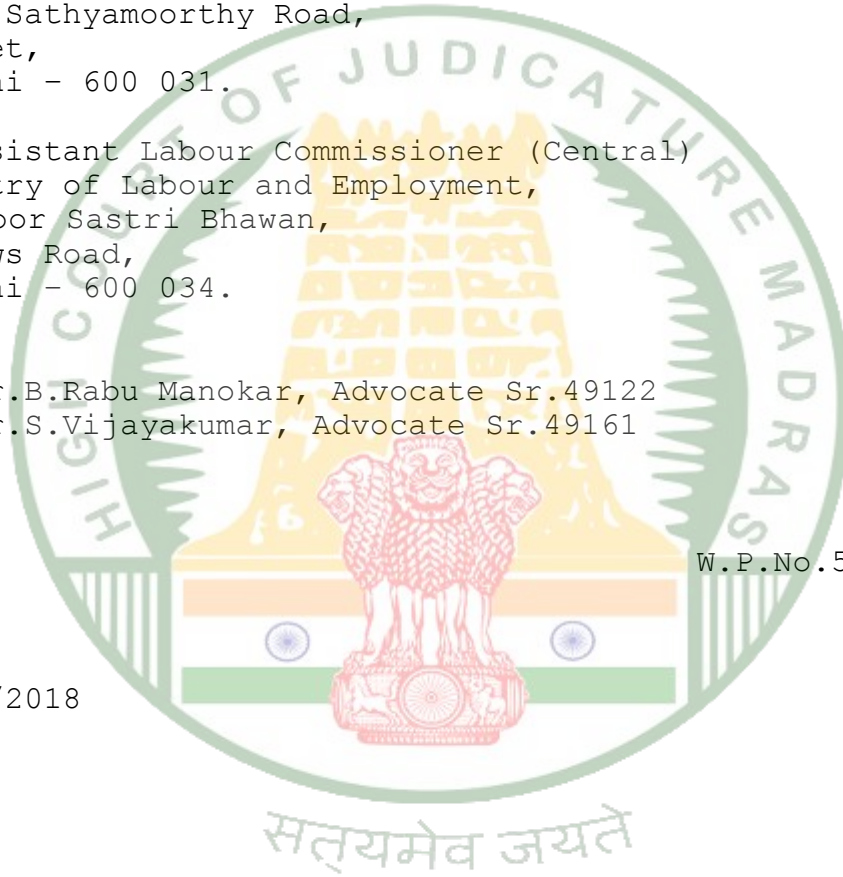
6. The Assistant Labour Commissioner (Central)
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Chennai - 600 034.

+1cc to Mr.B.Rabu Manokar, Advocate Sr.49122

+1cc to Mr.S.Vijayakumar, Advocate Sr.49161

W.P.No.5293 of 2018

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srg 14/08/2018



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