

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6331 of 2018
and
WMP.Nos.7884 and 7885 of 2018

P.Eswaran

.. Petitioner

-vs-

1. The Dean
Institute of Road Transport
Perundurai Medical College
Sanatorium - Perundurai
Erode District

2. The Director
Institute of Road Transport
Taramani
Chennai 600 113

3. The Principal (i/c)
Institute of Road Transport
Polytechnic College
Tirunelveli

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the second respondent bearing No.762/A1/IRT/2012 dated 20.2.2018 and quash the same and consequently direct the respondents 1 and 2 to repost the petitioner as a Driver (Special Grade) in Perundurai Medical College (IRT), Erode District.

For Petitioner :: Mr.T.T.Ravichandran

For Respondents :: Mr.V.Kadhirvelu
Special Government Pleader

ORDER

This writ petition is directed against the impugned order dated 20.2.2018 passed by the Director, Institute of Road Transport, Chennai transferring the petitioner from Institute of Road Transport-Perundurai Medical College and Hospital to the Institute of Road Transport-Polytechnic College, Tirunelveli with a specific instruction to report before the Principal in-charge of Institute of Road Transport Polytechnic College, Tirunelveli with immediate effect.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that when the petitioner is working along with his wife in Perundurai, the impugned order of transfer directing him to work at Tirunelveli, which is about 500 Kms., from Perundurai will not only cause damage to his family, but also to his innocent minor son who is staying at Perundurai. Adding further, he has submitted that the petitioner's wife is also employed as a Secondary Grade Teacher in a Government school at Seenapuram for the past 20 years, which is about 3 Kms., from Perundurai and his minor son Mithun is also studying fifth standard at Richmond Public School in Seenapuram. In view of this transfer order impugned herein, his wife, minor son and the petitioner are going to face serious prejudice. Therefore, the impugned order is liable to go. Again complaining about one Mr.M.Rajendran, who is instrumental for passing the impugned order of transfer, submitted that one Daisy Rani, who is employed as a Nurse in the Perundurai Medical College, has suffered sexual harassment and finally she filed W.P.No.18662 of 2011 before this Court complaining about the harassment meted out to her by the said Mr.M.Rajendran. The said news were also published in various newspapers like Dhinakaran, Daily Thanthi and Dinamalar in Erode edition. Moreover, there was a television news coverage in the Polymer TV running continuously for about 15 days alleging that on various occasions the aforesaid Mr.M.Rajendran attempted to assault the said Daisy Rani with a mala fide intention and finally a charge memo was also issued to her. Later on, this Court issued a direction to constitute a committee with a further direction to conduct a fair enquiry. Taking a wrong clue that the petitioner was instrumental for all these things, the said Mr.Rajendran has motivated the impugned order to be passed against him. Hence the same requires interference, he pleaded.

3. But this Court is not able to see any iota of truth in the said contentions to come to the conclusion that the impugned order of transfer has been issued with a mala fide motive or with any bad intention. The petitioner somehow wants to stall the impugned order of transfer passed herein. Therefore, he has been dragging every issue into his transfer, which has been

passed only on administrative reason. When the petitioner has been simply transferred from Perundurai to Tirunelveli for administrative reason and no reference whatsoever has been found in the impugned order of transfer, it is not known how the petitioner can attribute mala fide against someone and try to take shelter so that the impugned order may be stalled. This Court, finding no merit whatsoever and no basis on the part of the petitioner to come to this Court, is not inclined to entertain the writ petition. Restating the fact that the transfer is not only an incident of service but also a condition of service and no government servant has got any indefeasible right to stay in a particular place, as the petitioner has no locus standi to challenge the impugned order of transfer, the writ petition is dismissed. Consequently, W.M.P.Nos.7884 & 7885 of 2018 are also dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Sanatorium - Perundurai
Erode District

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Taramani
Chennai 600 113

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+1 cc to the Govt Pleader sr 22834

+1 cc to Mr.T.T.Ravichandran Advocate sr 21480

W.P.No.6331 of 2018

svl(co)

aa11/04/2018