

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5690 of 2017

and

WMP Nos.6080 & 6108 of 2017

M.Saravanan ...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Division-II, Salem,
No.12, Ramakrishna Road,
Salem-7.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Dharmapuri Division,
Bharathipuram,
Dharmapuri District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records made in Impugned order Na.E2/83/Tha.Po.Ka/(Salem) 2017 dated 16.02.2017 on the file of First Respondent herein and Quash the same as illegal and Direct the respondents to Cancel the Transport order against the petitioner to secure the ends of justice.

For Petitioner : Mr.K.Nagarajan.

For Respondents: Mrs.Rajini Ramadoss

O R D E R

The order of transfer issued by the respondent in proceedings dated 16.2.2017 transferring the writ petitioner from Dharmapuri Region, Thammampatti, Salem Region is under challenge in this writ petition.

2.The writ petitioner is working as Technical Assistant in the respondent Transport Corporation. He was transferred from

Dharmapuri Region to Salem Region on administrative grounds. The learned counsel for the writ petitioner states that there was certain allegations about corrupt activities in respect of collecting excess amount for special services, and the said news was published in the news paper. The Authorities have wrongly concluded that the writ petitioner is the reason for such publication and effected transfer. Thus, the order of transfer is liable to be set aside.

3. On a perusal of the paper news, which is enclosed in page no. 3 of the typed set of papers filed along with writ petition, the name of the writ petitioner has not been mentioned. This apart, the news information was provided based on certain informations received from the press media. Therefore, such an information or news cannot constitute a ground for issuing transfer order.

4. The learned counsel for the writ petitioner states that the impugned transfer order has been issued with a malafide intention, and therefore, the same is liable to be set aside.

5. The learned counsel appearing on behalf of the respondent states that it is an administrative transfer. The allegation of corrupt activities are denied by the respondents, and further it is categorically stated that such statements made by the writ petitioner are false and not supported with any documents. In order to circumvent the order of transfer, the writ petitioner is now making certain allegations against the authorities. Further, in respect of the publications made in a daily news paper on 06.02.2017, the respondent management approached the person concerned of the daily news paper, explained and clarified about the report that the same was based on some false informations and there are no records to substantiate the same.

6. Be that as it may, this Court is of an opinion that in the event of raising certain allegations or motives, then the same ought to be substantiated through some acceptable materials. However, a mere publication of news in a daily newspaper without reference to any specific incident, the same cannot be relied upon for the purpose of setting aside the said order of transfer.

7. No writ petition can be entertained challenging the order of transfer in a routine manner. Judicial review against the order of transfer is limited. A writ petition can be entertained, if an order of transfer has been issued by the authorities having no jurisdiction or allegation of malafides are raised or if the same is in violation of the Statutory Rules in force. Even in case of raising malafides, the authority against whom such an allegation is made should be impleaded as

party respondent in the writ petition proceedings. In the absence of any of these legal grounds, no writ petition can be entertained against the order of transfer.

8. In the present case on hand, though the learned counsel for the petitioner states that the paper publication made in the daily news paper is a reason for transfer, and the same has not been substantiated or established for the purpose of interfering with the order of administrative transfer.

9. The writ petitioner is working in a transferable post, and therefore, he is liable to serve, wherever he is posted. He has now been transferred from Dharmapuri to Salem which is not far away. This apart, the personal grievances are to be submitted before the Competent Authorities and this Court cannot consider the transfer grievance as advanced by the writ petitioner in this writ petition. This being the factum of the case, this Court is of an opinion that the Court cannot interfere in the day today administration of the State or its organizations. This apart, the transfers are effected for the effective functioning of the public administration and in the event of establishing any legally acceptable ground, then alone, the writ petition can be entertained and not otherwise. In this view of the matter, the grounds established in this writ petition is not adequate for the purpose of considering the case of the writ petitioner.

10. Accordingly, the writ petition is devoid of merits and stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

KP

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Division-II, Salem,
No.12, Ramakrishna Road,
Salem-7.

WEB COPY

2.The General Manager,
Tamil Nadu State Transport Corporation,
Dharmapuri Division,
Bharathipuram,
Dharmapuri District.

+1cc to Mr.K.NAGARAJAN, Advocate, S.R.No. 28615

W.P.No.No.5690 of 2017

TR(08/05/2018)



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