

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.03.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.6757 of 2018 and

WMP.Nos.8379 and 8380 of 2018

1. M.Rahmathullah
2. N.Balasubramaniam

...Petitioners

Versus

1. The Principal Commissioner and
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.

...Respondents

Prayer: 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 27.2.2018 and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.Palani Selvaraj

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

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 present Writ Petition has been filed.

2.Learned Counsel for the petitioners submitted that the petitioners have been frequently subjected to transfer. On an earlier occasion by order dated 6.2.2018, the 1st petitioner has been transferred from the Office of the Special Tahsildar (Stamps) to the Tahsildar Office, Pollachi and within one month, by the impugned order dated 27.2.2018, the petitioners have been transferred from Pollachi to Coimbatore.

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.

4. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Commissioner and
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.

+1 CC to Mr. Palani Selvaraj Advocate Sr.No.22162

+1 CC to Government Pleader, High Court, Chennai Sr.No.22868.

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