

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.875 of 2018
and WMP.Nos.1050 and 1051 of 2018

K.K.Sivasubramanian

... Petitioner

Vs.

- 1.The Registrar of Coop Societies,
No.17, E.V.R. Colony,
Kilpauk, Chennai-600 010.
- 2.The Additional Registrar of Coop Societies,
Office of the Registrar of Coop. Societies,
No.170, E.V.R. Colony,
Kilpauk, Chennai-600 010.
- 3.The Joint Registrar of Cooperative Societies,
Room No.213, Second Floor,
Collectorate, Ariyalur, Ariyalur District.
- 4.The Deputy Registrar of Cooperative Societies,
Room No.220, Second Floor,
Collectorate, Ariyalur,
Ariyalur District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned order of transfer bearing No.Na.Ka.86091/2017/Pa.Tho.2 dated 09.01.2018 passed by the second respondent herein and quash the same.

For Petitioner : Mr.M.Gnanasekar
for M/s.K.Balu

For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader

O R D E R

This Writ Petition is directed against the impugned order of transfer dated 09.01.2018 passed by the second respondent, transferring the petitioner from Ariyalur Division to Tiruppur Division.

2. The learned counsel for the petitioner, while assailing the impugned order of transfer, submitted that the petitioner has been transferred to a far off place only by way of punitive measure, as evidenced from the communication dated 14.12.2017 sent by the Joint Registrar of Cooperative Societies, Ariyalur District/third respondent to the Additional Registrar of Cooperative Societies, Kilpauk, Chennai/second respondent. The learned counsel for the petitioner further submitted that when there was a request made by the Joint Registrar of Cooperative Societies, Ariyalur District dated 14.12.2017, within less than 3 weeks, the impugned order of transfer has been passed by way of punitive measure.

3. Heard Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who takes notice for the respondents.

4. This Court hardly finds no merit in the submission made by the learned counsel for the petitioner for the reason that the impugned order of transfer does not contain any reference whatsoever to the communication of the third respondent dated 14.12.2017, relied on by the learned counsel for the petitioner. As a matter of fact, the impugned order does not whisper about any document showing that the impugned order of transfer has been effected by way of punitive measure.

5. 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 petitioner.

6. Thus, on this score, this Writ Petition fails and accordingly, the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Registrar of Coop Societies,
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sm:18.1.2018

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