

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2018

CORAM

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

W.P.No.16808 of 2018 &
W.M.P.No.19997 of 2018

P.Mani

..Petitioner

vs

1. The District Collector
Perambalur District,
Perambalur.

2. The Assistant Director of Town Panchayats,
Trichy District Collector Office Campus,
Trichy - 1.

3. The Executive Officer,
Poolambadi Town Panchayat,
Veppanthattai Taluk,
Perambalur 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 pertaining to the order passed by the 3rd respondent in his proceedings Na.Ka.No.345/2018 dated 26.06.2018 and quash the same, so as to enable the petitioner to continue services at Poolambadi Town Panchayat and direct the respondents to confer all consequential benefits to the petitioner.

For Petitioner : Mr.C.Vediappan
for M/s.C.S.Associates

For Respondents: Mr.R.S.Selvam
Government Advocate for R1 & R2
: Mr.A.Devendran for R3

O R D E R

The order of transfer issued by the third respondent in proceedings dated 26.06.2018, is under challenge in this writ petition.

2. The writ petitioner was appointed as Sweeper and his services were already regularized. The petitioner states that an order of transfer was issued by the Executive Officer, Poolambadi Town Panchayat, transferring the writ petitioner from Poolambadi Town Panchayat to Labbaikudigadu Town Panchayat in Proceedings dated 26.06.2018.

3. The grievances of the writ petitioner is that he is the Last Grade Servant and transferring him from one town panchayat from another town panchayat will affect his normal family life. This apart, it is contented that the impugned transfer order has been issued based on certain false allegations and without conducting any enquiry in respect of such allegations.

4. The learned Government Advocate appearing on behalf of the respondents relying on the counter affidavit filed by the 3rd respondent states that the distance between the Poolambadi Town Panchayat to Labbaikudigadu Town Panchayat is 30 kilometres and the transfer order has been issued on administrative grounds and on account of the complaint filed by the Vice President of the Poolambadi Town Panchayat. Thus, based on the complaint given by the Vice-President of Poolambadi Town Panchayat, the transfer order was issued on administrative grounds.

5. A transfer is an incidental to service, more so, a condition of service. A regular employee, who has been transferred on administrative grounds is bound to join in the transferred place and the order of transfer can be challenged by way of writ petition only, if the same has been issued by an incompetent authority having no jurisdiction or if any allegations of malafides are raised or if the order of transfer is in violation of the statutory rules in force. Thus, the administrative transfers cannot be challenged in a routine manner and the writ proceedings cannot be entertained in the absence of any such legal grounds stated supra.

6. In the present case on hand, the writ petitioner is transferred from Poolambadi Town Panchayat to Labbaikudigadu Town Panchayat which is just 30 kilometres away and within the same district. This being the factum of the case, the administrative decision taken by the District Collector considering the prevailing situation in that locality cannot be interfered with. Such administrative decisions are the prerogative of the administrator and the High Court cannot interfere with such administrative decisions of transfer in a routine manner. This being the principles to be followed, this Court is of an opinion that there is no infirmity as such in respect of the transfer order issued in proceedings dated 26.06.2018.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed.

pns/sk

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Perambalur District,
Perambalur.
2. The Assistant Director of Town Panchayats,
Trichy District Collector Office Campus,
Trichy - 1.
3. The Executive Officer,
Poolambadi Town Panchayat,
Veppanthattai Taluk,
Perambalur District.

+1cc to M/s.C.S.Associates, Advocate S.R.No.71332

KR/30/10/18

W.P.No.16808 of 2018

सत्यमेव जयते

WEB COPY