



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.2899 to 2903 of 2018

and

WMP (MD) Nos.3061 to 3070 of 2018

A.Pandi	... Petitioner in	WP (MD) No.2899 of 2018
A.Shanmugasundaram	... Petitioner in	WP (MD) No.2900 of 2018
R.Perianagarathinam	... Petitioner in	WP (MD) No.2901 of 2018
T.Balasubramanian	... Petitioner in	WP (MD) No.2902 of 2018
P.Sathiyakumar	... Petitioner in	WP (MD) No.2903 of 2018

Vs.

1. The Regional Manager,
Madurai Region,
Tamil Nadu Civil Supplies
Corporation,
Kuruvikkaran Salai,
Anna Nagar, Madurai - 20.

2. The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

... Respondents
in all writ petitions.

Prayer in WP(MD)No.2899 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in proceeding No.AE5/2923/2018 (1) dated 07.02.2018 and consequential reliving order passed by the first respondent dated 08.02.2018 in Na.Ka.No.E1/7228/2015 and quash the same.

Prayer in WP(MD)No.2900 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned



order passed by the second respondent in proceeding No.AE5/2923/2018 (2) dated 07.02.2018 pending on the file of the second respondent and consequential reliving order passed by the first respondent dated 08.02.2018 in Na.Ka.No.E1/7228/2015 and quash the same.

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Prayer in WP(MD)No.2901 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in proceeding No.AE5/2923/2018 (3) dated 07.02.2018 pending on the file of the second respondent and consequential reliving order passed by the first respondent dated 08.02.2018 in Na.Ka.No.E1/7228/2015 and quash the same.

Prayer in WP(MD)No.2902 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in proceeding No.AE5/2923/2018 (4) dated 07.02.2018 pending on the file of the second respondent and consequential reliving order passed by the first respondent dated 08.02.2018 in Na.Ka.No.E7/3928/2013 and quash the same.

Prayer in WP(MD)No.2903 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in proceeding No.AE5/2923/2018 (5) dated 07.02.2018 pending on the file of the second respondent and consequential reliving order passed by the first respondent dated 08.02.2018 in Na.Ka.No.E7/3928/2013 and quash the same.

In all writ petitions :

For petitioners : Mr.N.Tamil Mani
For Respondents : Mr.B.Pugalendhi,
Addl., Advocate General

Assisted by Mrs.S.Srimathy,
Spl., Govt.Pleader

COMMON ORDER

All the writ petitions are employed in Madurai Region of Tamil Nadu Civil Supplies Corporation. The petitioners appear to have a number of service grievances. They had been engaging themselves in one litigation or the other. While so, when his excellency the Hon'ble Governor of Tamil Nadu visited Madurai District on 29.01.2018, the petitioners met the Hon'ble Governor and submitted their representations to him. The office of the Governor



received the said representations and acknowledgements were also issued and it was mentioned therein that the respondent corporation must reply on or before 28.02.2018.

2. At this stage, the second respondent herein issued the impugned orders dated 07.02.2018 transferring the petitioners from Madurai Region. Pursuant to the order of the second respondent, the first respondent also issued the relieving order on 08.02.2018. The petitioners contended that the impugned transfer orders are vitiated by malice in law. They also characterised the impugned orders of transfer as malafide and punitive in nature. They would further contend that the transfer orders could not have been passed in the middle of the academic year.

3. Heard the learned counsel for the petitioners and the learned Additional Advocate General appearing for the respondents.

4. This Court is of the view that the orders of transfer on the face of it has been passed only on administrative grounds. Transfer is an incident of service. The Hon'ble Supreme Court in the decision reported in **2011 12 SCC 137 (High Court of Judicature of Madras v. R. Perachi)** held that transfer is an incident of service, and one cannot make a grievance if transfer is made on administrative grounds, and without attaching any stigma. The scope of judicial review is limited and courts cannot interfere with order of transfer lightly since courts cannot substitute their own decisions in the matter.

5. In this case, the orders of transfer do not cast any stigma on the petitioners. It merely reads that it has been issued on administrative grounds. This Court would not be justified in conducting a roving enquiry to find out the reasons for effecting transfer. From the face of the record, it is seen that it is administrative in nature.

6. In this view of the matter, this Court sees no merit in these writ petitions. These writ petitions stand dismissed. It is however made clear that it is certainly open to the petitioners herein to submit representations after complying with the orders of transfer. It is open to the petitioners to make out a case for re-transfer to Madurai Region. As and when such representations are made, it would be the duty of the second respondent to consider the same and pass appropriate orders on merits. With these observations, these writ petitions stand dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (W)

/True Copy/



To

1. The Regional Manager,
Madurai Region,
Tamil Nadu Civil Supplies
Corporation,
Kuruvikkaran Salai,
Anna Nagar, Madurai - 20.

2. The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

+ 1 cc TO Mr.N.Tamilmani , Advocate in SR No. 48064
+ 1 cc TO The Special Government Pleader in SR No. 48604

skm

AE/SV MMS/SAR4/19.06.2018/4P/5C

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