



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.3585 of 2011
and
M.P.(MD)No.1 of 2011

K.Samudhram

... Petitioner

Vs.

1.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

2.Mookaiah,
Village Assistant,
Kottaiyur,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order transfer passed by the 1st respondent in his proceedings Na.Ka.P1/881/2011 dated 21.03.2011 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango
For R1 : M/s.V.P.M.Vaishnavi
Government Advocate

Fo R2 : No appearance

O R D E R

The order of transfer dated 21.03.2011, transferring the writ petitioner from Pillayarkulam village to Padikasuvaithanpatti village is under challenge in this writ petition.

2.On a perusal of the order of transfer, it is stated that the writ petitioner was transferred on administrative grounds. However, the learned counsel appearing on behalf of the writ petitioner states that the impugned order was transferred in order to entertain the claim of the second respondent. May that it be, the order of transfer was issued on 21.03.2011 and now after the lapse of about seven years the claim of the writ petitioner to continue in the same post cannot be considered. Transfer is an incidental to service more so, a condition of service. Place or post can never be claimed



as a matter of choice. The authorities are bound to work in the interest of public administration and to serve for the public administration.

3. Of course, certain guidelines were issued by the Government in the matter of transfer, has to be considered by the statutory officials, those guidelines can never be claimed as matter of right nor the same is mandatory. Thus, the Government employees are bound to work in a place where they are posted to serve the people of this great nation. The salary of the Government employees are paid from the tax-payers money and they are certainly accountable and they should perform the public duty with utmost care and devotion of duty. This being the principles to be followed, an order of transfer will not constitute the cause of action and the transfer order can be challenged only on limited grounds and on exceptional circumstances. Thus, now after a lapse of about seven years from the date of issuance of the impugned order, the writ petitioner cannot claim any right to continue in the same post and accordingly, it is for the competent authority to take a decision and pass appropriate orders if any necessary in the interest of administration. Hence, no further adjudication is required in this Writ Petition.

4. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

+One cc to Mr.M.E.Ilango, Advocate, SR.No.43846

+One cc to The Special Government Pleader, SR.No.44586

ia/mm

RL/4C/2p/GT/SAR4/4/4/2018

W.P. (MD) No.3585 of 2011