



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD)No.5266 of 2013  
and  
M.P.(MD).No.2 of 2013

Masilamani Jeevaraj J.T.

... Petitioner

Vs.

1.The Regional Manager(IV),  
State Bank of India,  
Madurai Zone,  
Zonal Office,  
Madhura Complex,  
Dr.Ambedkar Road,  
Madurai.

2.The Branch Manager,  
State Bank of India,  
Varusanadu,  
Varusanadu Main Road,  
Theni District.  
Respondents

...

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Varusandau/Staff/4 dated 24.01.2013 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For 2<sup>nd</sup> Respondent : Mr.S.Sethuraman

### **ORDER**

The order of transfer dated 24.01.2013 sought to be quashed in this writ petition.

2.The writ petitioner was employed as Assistant in the State Bank of India. The petitioner is an ex-service man. In order dated 24.01.2013, the writ petitioner was transferred to Adalur branch. Challenging the order of transfer, the writ petitioner filed this writ petition on the ground that the transfer was intentional in nature and made at the instance of certain officials of the branch. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was subjected to 3 frequent



transfers within a period of 2 years. Thus, the present transfer order is bad in law. The learned counsel appearing for the petitioner further attempts that the writ petitioner is continuing in the present station for the past about 5 years based on the interim order granted in this writ petition.

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3.The transfer is an incidental to service, more so, a condition of service. Place or post can never be claimed as a matter of choice by the public servant. Government employees where ever posted is bound to work in the interest of public administration. Thus, a mere transfer, on administrative grounds will not provide any cause to move a writ petition under Article 226 of the Constitution of India. However, if the order of transfer is issued by an incompetent authority, having no jurisdiction or if allegation of mala fides are raised or if the same is in violation of the statutory rules in force, then the writ proceedings can be entertained. In case of raising, an allegation of mala fides, the authority against whom such allegations are raised to be impleaded as party respondent in the writ proceedings in his personal capacity. Thus, the scope of entertaining a writ against an order of transfer is certainly limited.

4.However, the fact remains that the writ petitioner is continuing in the present station for the past 5 years and continuing by virtue of an interim order. However, now after a lapse of about 5 years from the date of filing of the writ petition, this Court is not inclined to consider the present writ petition, since the petitioner is continuing in the present station. Thus further transfers on administrative grounds can be passed by the competent authorities as per the transfer policy of the State bank of india. This being the factum, no further adjudication is required in this writ petition and the writ petition stands dismissed. No costs. Consequently, M.P.(MD).No.2 of 2013 is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.51200.

+1cc to Mr.S.Sethuraman, Advocate, SR.No.51078.

W.P. (MD)No.5266 of 2013

and

M.P. (MD) .No.2 of 2013

23.02.2018

VSG/TA