



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.8787 of 2013

and

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

P.Kanagarasu

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.

2. S.Chandrasekaran
The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Vedharanyam Branch,
Vedharanyam.

4. A.Mohammed Musthafa

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the transfer order passed by the 1st respondent in Ref.E2/CR/05/2013-1 dated 09.05.2013, quash the same in so far as the petitioner concerned.

For petitioner	: Mr.A.Rahul
For R1 to R3	: Mr.K.Sathiyasingh
	Standing Counsel for TNSTC
For R4	: No appearance

O R D E R

The writ petitioner was transferred from Vedharanyam to Nagappattinam vide proceeding dated 09.05.2013. The petitioner is employed as conductor and the transfer was issued on administrative reasons. The writ petitioner was transferred along with other six employees. This apart, the distance between Vedharanyam and Nagappattinam is about 30 kms. Further, both the



places are situated in the same region and under the same administrative control of the General Manager, Kumbakonam.

2. This being the factum of the case, there is no reason for the writ petitioner to challenge the same. The reasons stated in the writ petition is that the wife of the writ petitioner is employed nearby Vedharanyam and further the petitioner is a member of LPF union, Vedharanyam branch union, which is a recognised union and has to serve for the welfare of the union and its members. The member or an office bearer is not totally immuned from the administrative transfers.

3. Administrative transfers are unconnected with the union activities. Certain personal grievances can be pleaded before the competent authorities and it is for the authorities to consider such personal grievances. However, the Courts cannot consider such personal grievances in a writ petition and if such grievances are pleaded to the competent authority, the same has to be considered at the time of passing of administrative transfer orders.

4. The Courts cannot interfere in the day today administration of the establishments. It is for the competent authorities to effect administrative transfers for efficient functioning of the administration and in the public interest. The writ petitioner had been transferred from Vedharanyam to Nagappattinam, which is not a far away place. This being the factum, this Court is not inclined to consider the writ petition.

5. Transfer is an incidental to service, more so, a condition of service. The Post or place can never be claimed as a matter of right, by the Government Servant. The competent authorities are empowered to decide the transfers in the interest of public administration and for efficient functioning of public administration.

6. The power of transfer is vested with the competent authorities, which cannot be questioned in a routine manner. Administrative transfers are to be abided by the employees and the writ can be entertained only on exceptional circumstances. No writ can be entertained against the order of transfer and the judicial review in this regard is to be exercised cautiously and a writ can be entertained if the order of transfer is issued by an incompetent authority, having no jurisdiction or allegation of malafides are raised or if it is in violation of the statutory rules in force. Even in case of raising the allegations of malafides, the authority against whom such allegations are raised has to be impleaded as party in the writ proceedings. In the absence of one of this legal grounds, no writ petition can be entertained.



7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to the cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

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/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.
2. S.Chandrasekaran
The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Vedharanyam Branch,
Vedharanyam.

+1cc to K.Sathiyasingh, Advocate Sr.No.49874

PNN

VB/CVC/SAR4/08/03/2018/3P/5C

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