

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25-01-2019
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.33358 of 2005

K.Jenkins

.. Petitioner

- Vs. -

1.The District Collector,
Coimbatore District,
Coimbatore.

2.K.Balakrishnan .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the order dated 7.10.2005 bearing Roc.No.7602/2005/KO4 of the first respondent herein and quash the same.

For Petitioner : Mr.V.Suthakar

For Respondent-1 : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The order of relieving dated 7.10.2005, issued by the first respondent, is under challenge in the present writ petition.

2. The writ petitioner is working as an Assistant in the Office of the Assistant Executive Engineer, Rural Development Department, Tiruppur Sub Division, Coimbatore District. The writ petitioner was initially appointed as Junior Assistant in the year 1996 on compassionate grounds.

3. The grievance of the writ petitioner is that the writ petitioner was transferred in order to accommodate the second respondent Mr.K.Balakrishnan.

4. The learned counsel for the writ petitioner states that the impugned relieving order issued pursuant to the transfer order dated 11.7.2005, transferring the writ petitioner from the post of Treasurer, Tiruppur Circle to the post of Assistant, Assistant Executive Engineer Office, Tiruppur Sub Division.

5. At the outset, the writ petitioner was transferred within the Tiruppur Division and therefore, the impugned orders of transfer and relieving, deserve no interference at all.

6. Transfer is an incidental to service, more-so, a condition of service. Place or post can never be claimed as a matter of right by the Government employees.

7. Undoubtedly, transfer policy is issued by the Government. Even as per the transfer policy, the Government employee shall continue in one place and post for a period of three years.

8. In the present case, the writ petition is filed challenging the transfer order issued on 11.7.2005 and the relieving order dated 7.10.2005. If at all the writ petitioner continued in the same place for the past 13 years, the first respondent is directed to transfer him to any other place suitable for efficient administration. Allowing the Government employee to continue in the same place for years together will certainly cause frustration in the minds of other employees, who all are transferred as per the transfer policy by the Government. Such transfer policies are to be implemented uniformly and without causing any discrimination amongst the employees.

9. This being the principles to be followed, the cause raised in the present writ petition deserves no further adjudication on account of efflux of time and in view of the fact that the writ petitioner is being continued in the place pursuant to the interim orders granted by this Court in the present writ petition.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Svn
To
The District Collector,
Coimbatore District, Coimbatore.

+1 CC TO GOVERNMENT PLEADER SR.NO. 6952

W.P.No.33358 of 2005

A.SK(15/02/2019)