

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4356 of 2019
And
W.M.P.No.4889 of 2019

J.Jothi ... Petitioner

- Vs. -

1.The Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
Chepauk,
Chennai-600 005.

2.The Divisional Manager,
Villupuram Division,
7, Chairman Shanmugam Street,
Shanmugapuram Colony,
Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records relating to the order passed by the first respondent in br/K/M/ No.9544/,2/2018, dated 6.2.2019 and quash the same, thereby directing the respondents to reinstate the petitioner in the service.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mrs.A.Sri Jayanthi,
Special Government Pleader.

O R D E R

The order of transfer, issued by the first respondent in proceedings dated 6.2.2019, transferring the writ petitioner from Villupuram Division to Headquarters at Chennai, is under challenge in the present writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is aged about 49 years and suffering from certain ailments.

3. This apart, the writ petitioner is suffering from the disability of 40% and therefore, it would be very difficult for him to join at the Headquarters in Chennai. The writ petitioner pleads his personal grievances and the inconvenience to be caused to the family members.

4. The learned Special Government Pleader, appearing on behalf of the respondents, made a submission that the writ petitioner was serving in the Headquarters from the year 2014 to 2016 and he is an experienced employee and on account of the retirement of many number of employees in the Headquarters, the services of such senior hands are required in the interest of administration and for peaceful running of the administration in the Headquarters.

5. Thus, the order of transfer was issued on administrative grounds and moreover, the Headquarters needed experienced seniors like that of the writ petitioner to perform certain important administrative works. In view of the fact that the order of transfer is issued on administrative grounds and in the interest of public administration, the present writ petition is to be dismissed.

6. This Court is of an opinion that except certain personal grievances and disabilities, the writ petitioner is unable to substantiate any legally acceptable ground.

7. Transfer is an incidental to service, more so, a condition of service. The writ petitioner, being the public servant, has to serve in the interest of the administration and when the respondent-Corporation specifically states that the services of some senior employees are required in the Headquarters, he cannot have any objection in respect of the decision taken by the Higher Officials in this regard. The Courts cannot interfere in such administrative transfers. The competent authorities are empowered to take decisions in the matter of transferring the employees from one place to another place or from one post to another post. Such administrative decisions cannot be interfered with in a routine manner. An order of transfer can be challenged only on limited grounds.

8. The writ proceedings against an order of transfer can be issued only if the same is in violation of the statutory rules or if the order has been issued by an incompetent authority having no jurisdiction or an allegation of mala fides

is raised. Even in case of raising the allegation of mala fides, the authorities against whom such an allegation is raised to be impleaded as a party in the writ proceedings in his personal capacity. In the absence of any one of these legal grounds, no writ proceedings can be entertained.

9. Judicial review against the administrative transfers are certainly limited. Constitutional Courts would not interfere with the routine administration of the State or State owned Corporation or an Undertaking. The interference in a routine administration will not only cause prejudice to the efficiency of the administration, but also may end with other consequences.

10. This being the principles to be followed, the mere personal grievances now expressed by the writ petitioner, cannot be considered by the High Court. All such personal grievances are to be considered only by the competent authorities and the misplaced sympathy or leniency cannot be a ground to interfere with such administrative transfers. Thus, the writ petitioner is at liberty to approach the competent authorities for the redressal of his grievance, if at all he has got any personal grievance.

11. However, the learned Special Government Pleader, appearing on behalf of the respondents, states that the impugned order of transfer has been issued on genuine administrative grounds and lot of senior employees retired during last year and this year and therefore, the Headquarters need the senior employees. This apart, along with the writ petitioner, ten more employees from other places to Headquarters are also transferred.

12. This being the view and the principles to be followed, the present writ petition deserves no consideration in respect of the grounds raised and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
Chepauk,
Chennai-600 005.

2.The Divisional Manager,
Villupuram Division,
7, Chairman Shanmugam Street,
Shanmugapuram Colony,
Villupuram,
Villupuram District.

+lcc to Mr.A.R.Nixon, Advocate Sr.15012

+lcc to Mr.S.A.Sri Jayanthi, Advocate Sr.15019

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