

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 5838 of 2019
and
W.M.P.No.6671 & 6674 of 2019

S.Soundararajan .. Petitioner
Vs.

The Managing Director
TNCSC, Head Office
No.12, Thambusamy Road
Kilpauk, Chennai - 600 010. ... Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the order in proceedings No.AE5/1173/2019 dated 21.02.2019, passed by the respondent herein, and to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.W.M.AbdulMajeed
for Ms.G.Sumitra

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The order of transfer dated 21.02.2019 is under challenge in the present writ petition.

2. The writ petitioner is now working as an Assistant in respondent Corporation at Cudalore and he was transferred from Cudalore to Head Office at Chennai. The learned counsel for the writ petitioner states that the writ petitioner is already aged about 56 years and therefore, he shall be allowed to continue in the same place at Cudalore for remaining two years.

3. This Court is of the opinion that the order of transfer impugned dated 21.02.2019 states that transfer and posting in

the cadre of Junior Assistant / Assistant was issued on administrative grounds and nearly about 32 employees were transferred by the impugned order.

4. Under these circumstances, this Court cannot interfere with the routine transfer and posting orders issued by the competent authorities.

5. Transfer is an incidental to service, more so a condition of service. Public servants are bound to be transferred for effective and efficient public administration. At the time of appointment, all the employees are accepting the service conditions and also the conditions regarding the transfer. Thus, the employees are bound by the service conditions, more specifically, transfer. Transfer not being a punishment, this Court cannot interfere with it in the administration of the State or its organisations. This Court cannot run such public administration by unnecessarily interfering with the order of administrative transfer. Only on exceptional circumstances where the Court is able to come to a conclusion that such order of transfer was issued with malafide intention or authorities have no jurisdiction, then alone, the writ petition can be considered, or not otherwise.

6. Appointment can never be claimed as a matter of right, so also, the selection and also for submission of application. Submission of application, process for selection and appointments are to be made strictly in accordance with the Recruitment Notification and as well as the Recruitment rules in force. There cannot be any violations in this regard by the competent authorities. Equal opportunity in public employment is the constitutional mandate. The equality clause enshrined cannot be diverted or diluted by the competent authorities, while undertaking the process of selection. However, the conditions to be stipulated is the prerogative of the State as far as the recruitment process is concerned. Once such conditions are finalized and published through the Recruitment Notification, the said conditions are binding on the candidates, who all are aspiring to secure public employment by participating in the open competitive process.

7. In view of the fact that the writ petitioner has not established any acceptable ground for interference, this Court is not inclined to consider the writ petition.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Kmm

To

The Managing Director
TNCSC, Head Office
No.12, Thambusamy Road
Kilpauk, Chennai - 600 010.

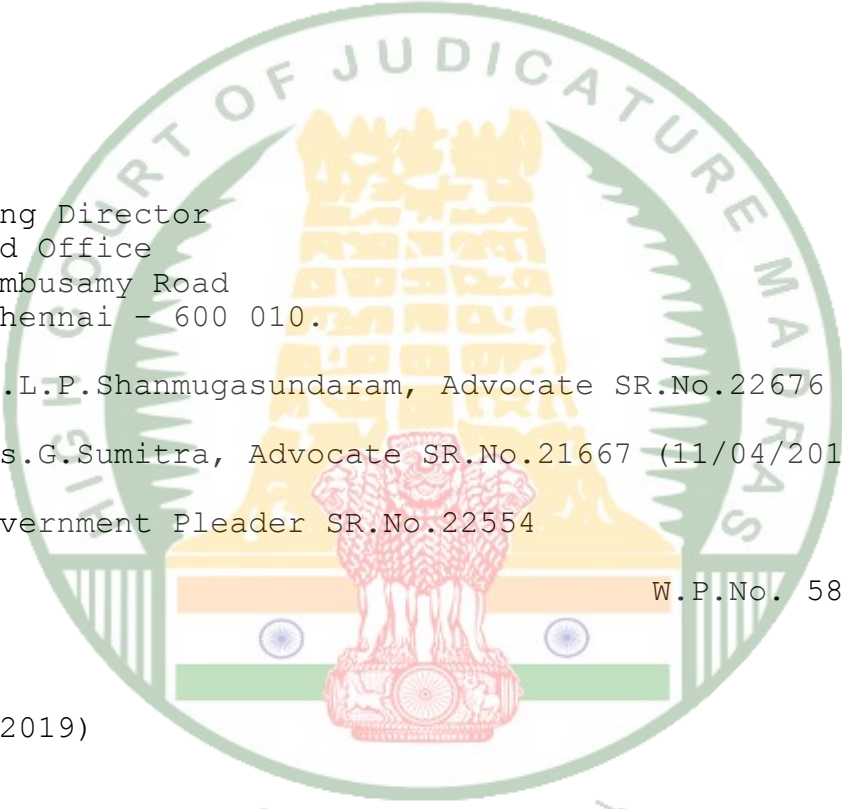
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.22676

+1cc to M/s.G.Sumitra, Advocate SR.No.21667 (11/04/2019)

+1cc to Government Pleader SR.No.22554

W.P.No. 5838 of 2019

CP (CO)
GMY (10/04/2019)



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