

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12-02-2019

CORAM

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

W.P.No.5714 of 2018

R.Sathees Kumar

.. Petitioner

- Vs. -

- 1.The Labour Inspector,
Office of the Labour Inspector,
Erode-638 001.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Erode Division,
Chennimalai Road,
Erode - 638 102.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Bhavani Branch - 641 301.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karur Branch.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to consider the representation dated 3.1.2018.

For Petitioner : Mr.P.Saravanan

For Respondent-1 : Mr.A.N.Thambidurai,
Special Government Pleader.

For Respondents-2to4 : Mr.R.S.Selvam

O R D E R

The relief sought for in the present writ petition is for a direction to direct the second respondent to consider the representation submitted by the writ petitioner on 3.1.2018.

2. The said representation dated 3.1.2018 is enclosed in page No.61 of the typed set of papers along with the present writ petition.

3. The grievance of the writ petitioner is that he was working at Bhavani and now transferred to Karur.

4. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is unable to travel from Bhavani to Karur and therefore, he made a representation to the second respondent to reconsider his request for transfer from Karur to Bhavani.

5. The writ petitioner is working as Driver in the respondent-Transport Corporation.

6. Even as per the learned counsel for the writ petitioner, the distance between Bhavani and Karur is about 150 kms and this Court is of an opinion that all such personal grievances are to be considered only the competent authorities in the matter of administrative transfers.

7. This Court cannot pass any orders even to consider the representation in view of the fact that the writ petitioner has to establish the right to grant such relief.

8. Transfer is incidental to service, more so, a condition of service. An employee, at the time of receiving the offer of appointment, accepting and agreeing with the service conditions and the rules framed in this regard. When the administrative transfers are issued in the interest of public administration, this Court is of the considered opinion that the employee cannot claim place or post as a matter of his choice. All these aspects are to be regulated by the competent authorities by following the rules in force.

9. Mere submission of a representation to transfer the petitioner from one place to another place will not provide a cause to file the present writ petition and this Court is of the considered opinion that even a direction to consider the representation cannot be granted in a routine manner.

10. In the matter of transfer, the authorities competent is bound to take a decision in the interest of the administration. However, if an order of transfer is passed on mala fide grounds or without any jurisdiction or in violation of the statutory rules, then the writ proceedings can be entertained. Even, in case of raising the allegation of mala fides, the authority against whom such an allegation is raised to be implied as party respondent in the writ proceedings in his personal capacity. In the absence of any one of the legal grounds, even an order of transfer cannot be subjected to

judicial review under Article 226 of the Constitution of India.

11. In the present case on hand, the grievance of the writ petitioner is that he submitted a representation to transfer him to Karur. Such a representation can never be construed as a cause or right of the writ petitioner, so as to move the writ petition for a direction to consider the representation. It is left open to the writ petitioner to approach the competent authorities for the redressal of his personal grievance, if any and the authorities competent shall also consider based on the established principles and the Service Rules in force.

12. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Svn
To

- 1.The Labour Inspector,
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- 4.The Branch Manager,
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Karur Branch.

+1 CC to Mr.P.Saravanan, Advocate sr 12759.
+1 CC to Mr.R.S.Selvam, Advocate sr 12932.

W.P.No.5714 of 2018

SP(07/03/2019)