

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 1276 of 2019

C. Azhagesan ... Appellant/Petitioner

-vs-

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. Block Development Officer,
Uthangarai Panchayat Union,
Krishnagiri District.
3. Sumathi. ... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P. No. 31581 of 2018 dated 11.03.2019.

PRAYER IN W.P. No. 31581 of 2018:-

Writ Petition filed under Article 226 of the constitution of India, to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 20/06/2018 in N.K.No.740/2018/x1 on the file of the 1st Respondent to transfer and quash the same. consequentially direct the Respondents to transfer the petitioner to Singarapettai Government Boys Hr.Sec.School Uthangarai Panchayat Union, Krishnagiri District within a reasonable time to be fixed by this Court

For Appellant :Mr. R. Neelakandan

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

J U D G M E N T

(Judgment of the Court was delivered by P.D. AUDIKESAVALU, J.)

The Appellant, who was working as Noon Meal Organizer at Government High School, Govindapuram, Uthangarai Panchayat Union, Krishnagiri District, made a request by letter dated 01.06.2018 for transfer to the same post in the Government Boys Higher Secondary School, Singarapettai, Uthangarai Panchayat Union, Krishnagiri District as he came to know that the incumbent there was attaining the age of superannuation on 31.05.2018. The Third Respondent, viz., Sumathi, who was working as Noon Meal Organizer at Keelkuppam also sought transfer to the Government Boys Higher Secondary School, Singarapettai, Uthangarai Panchayat Union, Krishnagiri District. The District Collector, Krishnagiri by order Na. Ka. No. 740/2018/X1 dated 20.06.2018 transferred the Third Respondent to that post, without considering the claim of the Appellant, aggrieved by which the Appellant filed W.P. No. 31581 of 2018 before this Court, which was dismissed by order dated 11.03.2019. The Appellant has preferred the intra-Court appeal against the aforesaid order.

2. We have heard Mr. R. Neelakandan, Learned Counsel appearing for the Appellant, Mrs. A. Sri Jayanthi, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, part from the pleadings of the parties.

3. It is settled law that transfer is an incidence of service and no employee has any vested right to claim posting at a particular place of his choice. In the absence of any arbitrariness or malafides, it was not open to the Appellant to question the posting of the Third Respondent as Noon Meal

Organizer at the Government Boys Higher Secondary School, Singarapettai, Uthangarai Panchayat Union, Krishnagiri District, merely because the Appellant had also sought for transfer to the same place. The Writ Court was absolutely justified in dismissing the Writ Petition and we confirm the same.

4. As we do not find merits in the claim of the Appellant, the Writ Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. Block Development Officer,
Uthangarai Panchayat Union,
Krishnagiri District.

+1cc to Mr.C.Mahendran, Advocate, S.R.No.42326
+1cc to the Government Pleader, S.R.No.42478

W.A. No. 1276 of 2019

CP (CO)
vrn/21.05.2019
A.SK(23/05/2019)

WEB COPY