

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24280 of 2018

and

W.M.P.No28292 of 2018

M.Meganathan

... Petitioner

Vs.

1. The Director of Fire & Rescue Office,
Rukmani Lakshmipathi Street,
Egmore, Chennai - 8.
2. The Deputy Director,
Fire & Rescue Officer,
Infantry Road,
Vellore.
3. The District Officer,
Fire & Rescue Officer,
Infantry Road,
Vellore.
4. The Station Officer,
Fire & Rescue Service,
Vellore 632 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order in R.C.No.Nil, dated 31.08.2018 and to quash the same and consequently direct the first respondent to permit the petitioner to continue in the present station.

For Petitioner : Mr.S.Sairaman

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The order of transfer dated 31.08.2018, transferring the writ petitioner from Vellore to Athipattu at Thiruvallur district is under challenge in this writ petition. The writ petitioner is working as leading fireman (SL.No.850) in Fire Service Station at Vellore. The learned counsel for the writ petitioner states that the writ petitioner has been transferred not on administrative grounds, infact, the order of transfer impugned is punitive in nature. Thus, the impugned order is liable to be scrapped.

2. On a perusal of the order of transfer, it is stated that the order of transfer is a routine one and the writ petitioner being a member of the uniformed service is liable to be transferred in the interest of public administration. The order of transfer also states that the writ petitioner is transferred from Vellore to Athipattu at Thiruvallur district on administrative grounds.

3. This being the factum, the writ petitioner has not made out any acceptable ground by establishing that the order of transfer is punitive in nature. The routine administrative transfer can be issued on various grounds. Mere pendency of a charge memo is not a ground to state that the order of transfer is punitive in nature. Even certain complaints filed against the writ petitioner can be the cause for issuing administrative transfers. This being the principles to be considered, this Court is of the opinion that there is no infirmity as such in respect of the order of transfer issued against the writ petitioner in proceedings dated 31.08.2018.

4. 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.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mbi/kmm

To

1. The Director of Fire & Rescue Office,
Rukmani Lakshmipathi Street,
Egmore, Chennai - 8.
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Vellore.
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Vellore.
4. The Station Officer,
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+1 cc to Mr.S.Sairaman, Advocate Sr.No.26450

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CA(CO)
CSL/29.04.2019

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