

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.18233 of 2019
and
W.M.P.No.17594 of 2019

J.Sakunthala

... Petitioner

.vs.

1.The Director,
Public Health & Preventive Medicine,
Thenampet,
Chennai.

2.The Deputy Director,
O/o.Deputy Director of Health Service,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or Order or Direction in the nature of a Writ, more particularly a Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to the Na.Ka.No.15904/PTho.3/Iru.2/2018 dated 09.06.2019 passed by the first respondent and quash the same and consequently to direct the respondent to retain the petitioner in service at Thiruvannamalai.

For Petitioner : Ms.U.Anunitha

For Respondents : Mr.R.S.Selvam
Special Government Pleader

O R D E R

This Writ Petition is filed by the petitioner praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to the Na.Ka.No.15904/PTho.3/Iru.2/2018 dated 09.06.2019 passed by the first respondent and quash the same and consequently to direct the respondent to retain the petitioner in service at Thiruvannamalai.

2. According to the petitioner, while she was working as Office Assistant in the office of the second respondent at Tiruvannamalai, she made representation to the first respondent requesting him to transfer her from Tiruvannamalai to Vellore vide letter dated April 2018. Later the petitioner made another representation in May 2018, withdrawing her earlier request for transfer and requested the first respondent to retain her at Tiruvannamalai and not to transfer to Vellore. However, the first respondent issued transfer order vide proceedings dated 09.06.2019, transferring the petitioner from Tiruvannamalai to Vellore. Subsequently, she was also relieved on 15.06.2019. Aggrieved by the same, the petitioner has come forward with the present writ petition, challenging the transfer order dated 09.06.2019.

3. The learned counsel for the petitioner would contend that though initially the petitioner has made request to transfer her from Thiruvannamalai to Vellore, since she was facing family dispute, later the petitioner has changed her mind and requested the respondents not to transfer her by withdrawing her earlier request. However, contrary to the same, by the impugned proceedings dated 09.06.2019, the petitioner was transferred from Thiruvannamalai to Vellore. Learned counsel for the petitioner also pointed out that the transfer of Group D employees from one district to another district is non-violation of existing norms as prescribed in G.O.Ms.No.10 dated 07.01.1994 and Government letter dated 22.08.1997.

4. After notice, Mr.V.Kadhirvelu, learned Special Government Pleader entered appearance for the respondents and a counter affidavit on behalf of the first respondent has been filed. The learned Special Government Pleader would submit that based on the complaint of the petitioner against the staff who is working in the office of the second respondent, an enquiry was conducted and based on the report and on administrative grounds, the petitioner has been transferred from Tiruvannamalai to Vellore vide proceedings dated 09.06.2019. He would also point out that the Government is empowered to transfer any Government servant from one revenue district to another revenue district within the state on administrative grounds and the present transfer of the petitioner is purely on administrative grounds. Hence, the petitioner cannot challenge the same.

5. Considering the facts and circumstances of the case and as well as the submissions made by the learned Special Government Pleader for the respondents, this Court is not inclined to interfere with the impugned order of transfer issued by the first respondent, transferring the petitioner from

Thiruvannamalai to Vellore. Though, it is contented that the petitioner has subsequently withdrawn her request and requested not to transfer her from Thiruvannamalai to Vellore, perusal of the impugned transfer order reveals that the petitioner has been transferred purely on administrative grounds and therefore, the petitioner cannot, as a matter of routine, challenge the same and in fact transfer is an incidence in the service carrier of the Government employee and she cannot insist to retain in the place which she decides while her transfer was on purely administrative grounds. Therefore, this Court does not find any merits in the Writ Petition to entertain the same.

6. Accordingly, the Writ Petition fails and the same is dismissed. However, the petitioner is at liberty to make representation after a period of six months seeking for re-transfer to the respondents and if any such representation is being made by the petitioner, the respondents are directed to consider the same, in accordance with law, on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Director,
Public Health & Preventive Medicine,
Thenampet,
Chennai.
- 2.The Deputy Director,
O/o.Deputy Director of Health Service,
Thiruvannamalai District.

+1cc to Ms.U.Anunitha, Advocate SR.No.81523

+1cc to Government Pleader SR.No.82326

W.P.No.18233 of 2019
and
W.M.P.No.17594 of 2019

RJI (CO)
GMV(23/10/2019)