

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2019

CORAM

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

W.P.No.26199 of 2018

and

W.M.P.Nos.33534 & 30416 of 2018

Thiru.M.Anbalagan

... Petitioner

..vs..

1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 600 015.

2.The Chief Conservator of Forests,
O/o.Chief Conservator of Forest,
Salem Zone, Salem.

3.The Conservator of Forests,
O/o.Conservator of Forest,
Salem Zone, Salem.

4.The District Forest Officer,
Salem, Salem District.

5.Umapathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the transfer order issued by the second respondent in Pa.AA.No.88/2018 P1 dated 18.09.2018, transferring the petitioner from Attur Range to Gangavalli, Social Forest Range and to quash the same in so far as petitioner alone is concerned and consequently, issue direction to the respondents to allow the petitioner to serve in the Attur Range.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.Thanga Vadhana Balakrishnan
Additional Government Pleader (Forest)
for R1 to R4

O R D E R

Post or place can never be claimed as a matter of choice by the Public Servants. However, the transfers are to be granted constitutionally and by following the procedures contemplated under law and in the interest of the Public Administration. The Authorities Competent shall not take as a personal vengeance. The rules must be followed strictly in the interest of Public Administration.

2. Transfer is an incidental to service, more so, a condition of service. The only rule to be followed is that while effecting the transfer and postings, the service benefits or the conditions are to be protected. The benefits already guaranteed under the Service Rules cannot be taken away by effecting transfers to the public servants. However, transfer and postings on administrative ground cannot be interfered with by the High Courts in a routine manner. High Court cannot interfere with the routine administration of the State Departments, Organizations and Undertakings. In the event of any such interferences by the Constitutional Courts, smooth administration will certainly be affected and therefore, the High Courts must exercise restraint in interfering with such administrative transfers and the judicial review against the order of transfers are certainly limited.

3. An order of transfer can be interfered with, by the Constitutional Courts, only if the same is issued by an incompetent authority having no jurisdiction or competency or if an allegation of mala fides are raised or the same is in violation of the statutory Rules in force. Even in case of an allegation of mala fides, the authority against whom such an allegation is raised, is to be impleaded as a party respondent in his personal capacity in the writ proceedings. No writ proceedings can be entertained against the administrative transfers.

4. In the present case on hand, the writ petitioner who is holding the post of Forest Range Officer, is posted for Attur Forest Circle, Salem to Gangavalli Social Forest Circle, Salem. The writ petitioner is transferred from one office to another office within the City of Salem. This being the nature of transfer order, this Court is of an opinion that the writ petitioner is bound to serve in the place, where he is posted. The order of transfer would not effect the routine life of the writ petitioner and further the writ petitioner being a responsible official, working in Forest Range Office, there is no reason to interfere with such administrative transfer orders issued by the Competent Authority in proceedings dated

18.09.2018. Under these circumstances, the writ petitioner has not established any acceptable legal grounds for interfering with the order of administrative transfer.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 600 015.
- 2.The Chief Conservator of Forests,
O/o.Chief Conservator of Forest,
Salem Zone, Salem.
- 3.The Conservator of Forests,
O/o.Conservator of Forest,
Salem Zone, Salem.
- 4.The District Forest Officer,
Salem, Salem District.

+1cc to M/S.T.Dharani, Advocate Sr.27584
+1cc to the Government Pleader sr.27698

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srg 22/04/2019

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