



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

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THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P (MD) No.6825 of 2019

and

WMP (MD) Nos.5832 and 5450 of 2019

G.Subramanian

... Petitioner

vs.

1.The Managing Director,
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Collectorate Complex,
Chettinaickenpatti,
Dindigul, Dindigul District.

... 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 of the first respondent's proceeding vide Proc.No.AE4/28375/2017-1, dated 21.02.2019 transferring the petitioner from Dindigul to Thanjavur and quash the same and reinstate the petitioner at Dindigul till his retirement on 31.07.2020.

For Petitioner : Mr.G.V.Vairam Santhosh

For Respondents : Mr.R.Vijayakumar

ORDER

This writ petition has been filed seeking to quash the impugned order of transfer dated 21.02.2019 passed in Proc.No.AE4/28375/2017-1 by the first respondent.



2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. According to the petitioner, he has been initially appointed as Junior Assistant in the respondent Corporation and subsequently he was promoted as Superintendent and transferred to Chennai. Thereafter, he was transferred to Dindigul. Again, the petitioner was transferred from Dindigul to Thanjavur vide the impugned order of the first respondent dated 21.02.2019. Challenging the same, this writ petition has been filed.

4. The learned counsel for the petitioner submitted that without assigning any reason, the first respondent has passed the impugned order of transfer. Further, if more number of Superintendents are available in the Zone, the junior most Superintendents will be transferred, but, contrary to that, the petitioner, being completed 34 years of service has been transferred, which is contrary to the guidelines of the Department and therefore, the impugned order of transfer is liable to be quashed.

5. The learned Standing Counsel for the respondents submitted that the allegations of the petitioner are incorrect and the transfer order was passed only on administrative reason and the said transfer order is incident to the service of the Corporation and the petitioner has no legal right to challenge the same. Further it is submitted that the petitioner was transferred by the impugned order dated 21.02.2019 and he was relieved on the same day. The other employee by name Elango had taken charge at Dindigul on 22.02.2019 itself. The petitioner, without joining in the transferred place and after a lapse of one month, filed the present petition challenging the transfer order. Therefore, the impugned order of transfer does not warrant any interference by this Court.

6. It is seen that the present writ petition has been filed by the writ petitioner on 21.03.2019, that too, after a lapse of one month from the date of transfer and there is no reason or *bona fide* on the part of the petitioner to challenge the impugned order. Further the impugned order has been passed on administrative ground, transferring the petitioner from Dindigul to Thanjavur. This Court finds no reason to interfere with the impugned order of transfer and there is no substance in the contention made by the petitioner and therefore, this petition is liable to be dismissed.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner made a representation dated 25.02.2019 to the first respondent and the same may be directed to be considered.

8. In line, this writ petition is dismissed. However, this order will not stand in the way of the first respondent in



considering the petitioner's representation dated 25.02.2019 on merits and in accordance with law. No costs. Consequently, WMP(MD) Nos.5832 and 5450 of 2019 are closed.

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Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1.The Managing Director,
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Collectorate Complex,
Chettinaickenpatti,
Dindigul, Dindigul District.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate
(SR-71205[F] dated 25/06/2019)

+1 CC to M/s.G.V.VAIRAM SANTHOSH, Advocate
(SR-71012[F] dated 25/06/2019)

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W.P (MD) No.6825 of 2019

ES/02.07.2019/3P/5C