



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.14630 of 2015

and

M.P. (MD) .Nos.1 and 2 of 2015

K.mohammed Mohideen

... Petitioner

-Vs-

1.The Commissioner of Labour,
D.M.S.Compound, Teynampet, Chennai-600 006.

2.The Assistant Inspector of Labour,
Thiruchendur, Govindammal Colony,
Thiruchendur, Thoothukudi District.

3.R.Premkumar

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records of the impugned deputation order passed by the 1st respondent vide order No.G1/30404/2015-2 dated 31.07.2015 in respect of the petitioner and the consequential order of the 2nd respondent in Na.Ka.No.210/2015 dated 04.08.2015 and quash the same as illegal.

For Petitioner	: Mr.C.Arulvadivel Alias Sekar
For R1 & R2	: Mr.S.Dhayalan Government Advocate
For R3	: No appearance

ORDER

The writ petitioner was transferred from Tiruchendur to Tuticorin in proceeding dated 31.07.2015. The petitioner was working as an Assistant in the office of the Deputy Inspector of Labour. Though the transfer order was passed on 31.04.2018, the writ petitioner was relieved on 04.08.2015.

2.The learned Government Advocate appearing for the first and the second respondents states that by suppressing the fact that the writ petitioner was relieved from service pursuant to the transfer order, he got an interim order in the present writ petition. However, during the pendency of the writ petition, the petitioner joined in the transferred place of Tuticorin and now, working in the transferred place. The learned Government Advocate further states that on account of certain misconduct, disciplinary proceedings were initiated against the writ petitioner and the same is also in progress. The order of punishment was also issued.



However, the disciplinary proceedings are unconnected with the writ petition.

3. This Court is of the considered opinion that the transfer is an incidental to service. Moreso, a condition of service. Place and post can never be claimed as a matter of right by the Government Servants. The present writ petition is filed challenging the order of transfer as well as the relieving order. The fact regarding the relieving was suppressed and an interim order was obtained, is the submission made on behalf of the respondents.

4. May that it be, the transfer being a condition of service and the writ petitioner was transferred during the year 2015, now after a lapse of 4 ½ years, he cannot claim the very same place and he is liable to be transferred considering the various administrative reasons or on certain exigency. However, such administrative decisions are to be taken by the competent authorities by assessing the situation and for efficient public administration. The Courts will not interfere in routine administrative transfers. Judicial review against the order of transfer are undoubtedly limited. The order of transfer can be challenged only on certain limited grounds if the order of transfer has been issued by the incompetent authority or if an allegation of malpractice are raised or if the same is in violation of the statutory rules, then alone, the writ proceedings can be entertained. Even in case of raising an allegation of malpractice, the authority against whom such an allegation raised is to be impleaded as a party respondent in his personal capacity. This being the legal principles should be followed, now after a lapse of 4 ½ years from the date of filing of the writ petition, no further consideration is required in respect of the transfer order issued. However, it is brought to the notice of this Court that the writ petitioner had joined in the transferred place of Tuticorin.

5. This being the factum, the writ petition deserves no further consideration and the same stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)

Ns

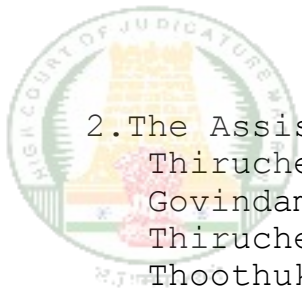
To

1. The Commissioner of Labour,

D.M.S. Compound,

Teynampet,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai-600 006.



2.The Assistant Inspector of Labour,
Thiruchendur,
Govindammal Colony,
Thiruchendur,
Thoothukudi District.

WEB COPY

+1 cc to Mr.C.Arul Vadivel @ Sekar, Advocate, Sr.No.72418
+1CC to the Special Government Pleader SR.No.72741

W.P. (MD) No.14630 of 2015
and
M.P. (MD) .Nos.1 and 2 of 2015
01.07.2019

ES/15.07.2019/3P/5C