



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE **S.M. SUBRAMANIAM**

W.P. (MD) No. 20005 of 2015

and

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

L. Nagalakshmi

... Petitioner

Vs

1. The Director,
Director of Adidraavidar Welfare,
Elilagam, Chennai 5.

2. The District Adidraavidar and
Tribal Welfare Officer,
Nagercoil,
Kanyakumari District.

3. The Special Tahsildar,
Adidraaviar Welfare,
Nagercoil,
Kanyakumari District.

4. The Headmaster,
Government Adidraavidar Middle School,
Udaiyadi,
Kanyakumari District.

5. Selvi
Second Grade Warden,
Government Adidraavidar Women Hostel,
Nagercoil, Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka. up/19202/2015 dated 29.10.2015 and Quash the same and consequently allow the petitioner with continuity of service as Second Grade Teacher in the 4th respondent's school.

For Petitioner : Mr.M.Subash Babu

For R1 to R4 : Mr.M.Jeyakumar
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For R5 : No appearance

**ORDER**

The order of administrative transfer issued by the first respondent in proceedings dated 29.10.2015 transferring the writ petitioner from Government Adidraavidar Welfare Middle School, Udaiyadi, Kanyakumari District to Government Adidraavidar Welfare Students Hostel, Nagercoil, Kanyakumari District, is under challenge in the present writ petition.

2. On a perusal of the impugned order it is stated that the order of transfer was issued on the basis of the request of the individuals and as well as on administrative grounds. The terminology used by the first respondent for issuing the transfer order is inappropriate. An order of transfer is issued either on the basis of a request by the employee or on administrative grounds. However, the order impugned in the writ petition states that on both the grounds, the transfer order is issued.

3. Thus, this Court is of the opinion that such a situation is to be avoided. The competent authorities are bound to exercise the power of transfer in the interest of public administration. Transfer orders cannot be issued at the whims and fancy of the authorities. Judicial approach is required in order to avoid unnecessary hardship to the employees. Thus, administrative transfers are to be issued on certain genuine grounds and not on flimsy reasons.

4. However, the writ petitioner continued in the present post by virtue of the interim order granted in the writ petition. Even before filing of the writ petition, the petitioner continued in the station at Udaiyadi, Kanyakumari District and after filing of the writ petition also, by virtue of an interim order, he is allowed to continue in the same post for about 4 years. A Government employee is liable to be transferred after a period of three years in a post.

5. This being the legal principles, as per the transfer policy of the Government, this Court cannot allow the writ petitioner to continue in the same station for another specified period. In view of the fact that the writ petitioner had completed three years in the present place, she is allowed to be transferred to some other place. Thus, the writ petitioner is not entitled to get any relief in the present writ petition, on account of the efflux of time and the fact that she continued in the same station for many years.



6. With this observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Director,
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Elilagam, Chennai 5.

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Kanyakumari District.

3. The Special Tahsildar,
Adidravaiar Welfare,
Nagercoil,
Kanyakumari District.

4. The Headmaster,
Government Adidraavidar Middle School,
Udaiyadi,
Kanyakumari District.

+1CC TO M/S. Special Government pleader Sr.No.69266
+1CC To M/S.M.SUBASH BABU, Advocate, Sr.No.69164

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BUC (12.07.2019) 3P 7C