



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.10417 and 10418 of 2014

and

M.P. (MD) .Nos.1,1,2 and 2 of 2014

1.S.Murugan ... Petitioner in W.P.(MD).No.10417/14
2.V.Murugan ... Petitioner in W.P.(MD).No.10418/14

-Vs-

1.The District Collector,
Collectorate,
Thoothukudi 628 101
Thoothukudi District.

2.The Executive Officer,
Selection Grade Panchayat,
Nazareth-628 617,
Thoothukudi District.

... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1853-1/2014/Pa2, dated 14.06.2014 quash the same.

For Petitioners in
both W.Ps : Ms.J.Anandhavalli

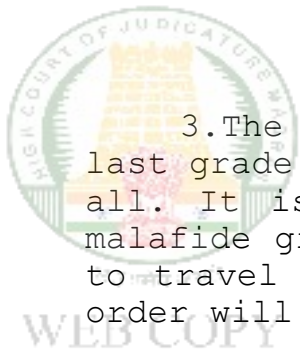
For R1 and R2 : Mr.M.Jeyakumar
in both W.Ps Additional Government Pleader

For R3 in both
W.Ps : J.Gunaseelan Muthiah

COMMON ORDER

The order of transfer dated 14.06.2014 issued on administrative grounds is under challenge in these writ petitions.

2.The learned counsel for the writ petitioners states that the writ petitioners were appointed as Helper in the selection grade panchayat and were serving as such. The impugned transfer has been issued transferring the writ petitioners from Nazareth Panchayat to Thoothukudi Panchayat on administrative grounds.



3.The contention of the writ petitioners is that they are the last grade servants and therefore, they should not be transferred at all. It is further stated that the transfer order was issued on malafide grounds and it would be difficult for the writ petitioners to travel to attend the work and therefore, the impugned transfer order will affect the normal family life of the writ petitioners.

4.This Court is of the considered opinion that pursuant to the interim order granted by this Court, the writ petitioners are working in the same station for more than 5 ½ years. This apart, even prior to the issuance of the impugned order, the writ petitioners were serving in the same station. In ordinary circumstances, class-IV employees would not be transferred to another place, however, on certain extraordinary circumstances and in the interest of public administration, administrative transfer can be issued time to time and there is no total prohibition of transfer in respect of class-IV employees. Routine transfers are to be avoided in respect of class-IV employees, however, no employee can claim total immunity from administrative transfers. The very concept of public service is that the employees wherever posted must work in the interest of public and public administration. Thus, there is no absolute immunity for class-IV employees in the absence of any Rule in this regard.

5.The learned Additional Government Pleader appearing on behalf of the respondents submit that there is no Rule to prohibit the transfer of class-IV employees on administrative grounds. Thus, in the event of any complaint or if the competent authority is of the opinion that further continuance of the employees would cause prejudice to the interest of the public administration, then the authorities are empowered to take a decision and transfer even a last grade servant.

6.The High Court would not interfere with the routine administration of the Government Departments, Corporations or Panchayat etc. The writ proceedings can be entertained only on exceptional circumstances where the transfer order has been issued by an incompetent authority or with an malafide intention or if the same is in violation of statutory Rules in force. Even in case, where there is a allegation of malafide, the authority against whom such an allegation is raised are to be impeaded as party respondent in his personal capacity. The absence of any such legal grounds, no writ proceedings can be entertained against the order of administrative transfer.

7.As far as the present writ petition is concerned, the writ petitioners were transferred from Nazareth Panchayat to Udangudi Panchayat, which is not far away. Further they continued in the same station even after filing of the writ petitions and till now, the writ petitioners are working in the same station. Under these circumstances, no further consideration is required, nor this Court can issue any direction to allow the writ petitioners to continue



for an unspecified period or till the date of retirement. No such orders can be passed.

8. Thus, it is for the administrative authority to take a decision in the interest of public administration to transfer an employee to a particular post or place and authority must be kept in mind that all such administrative transfers are to be issued only with a genuine intention and in the interest of public administration and certainly not at their whims and fancies. This being the principles to be followed, the present writ petitions deserve no further consideration. Accordingly, these writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Collectorate,
Thoothukudi 628 101
Thoothukudi District.

2. The Executive Officer,
Selection Grade Panchayat,
Nazareth-628 617,
Thoothukudi District.

+1 CC to M/s. J. ANANDHAVALLI, Advocate (SR-80218[F] dated 07/08/2019)

+1 CC to M/s. J. ANANDHAVALLI, Advocate (SR-80220[F] dated 07/08/2019)

+1 CC to SPL GP (SR-80396[F] dated 07/08/2019)

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(1/6)

ns

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