



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.12204 of 2014

and

M.P. (MD) .No.1 of 2014

M.Durai Pandi

... Petitioner

-Vs-

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

2. Assistant Director,
Panchayat,
Kokaraikulam,
Thirunelveli 627 009
Tirunelveli District.

3. The Executive Officer,
Panchayat Board,
Thiruchendur,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Na.Ka.No.1853-2/2014/Pa2 dated 14.06.2014 and Na.Ka.No.570/2014 dated 18.06.2014 on the file of the first respondent and the third respondent respectively and quash the same as illegal and direct the first respondent to allow the petitioner to continue his duty in his earlier work place ie., Thiruchendur Panchayat.

For Petitioner	: Mr.V.Rajiv Rufus
For R1 and R2	: Mr.M.Jeyakumar Additional Government Pleader
For R3	: No APPEARANCE

ORDER

The order of transfer dated 14.06.2014 issued on administrative grounds is under challenge in the present writ petition.

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



3.The contention of the writ petitioner is that he is a last grade servant and therefore, he 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 petitioner to travel to attend the work and therefore, the impugned transfer order will affect the normal family life of the writ petitioner.

4.This Court is of the considered opinion that pursuant to the interim order granted by this Court, the writ petitioner is working in the same station for more than 5 ½ years. This apart, even prior to the issuance of the impugned order, the writ petitioner was 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 then and there 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 submits 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 a 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 petitioner was transferred from Thiruchendur Panchayat to Udangudi Panchayat, which is not far away. Further he continued in the same station even after filing of the writ petition and till now, the writ petitioner is working in the same station. Under these circumstances, no further consideration is required, nor this Court can issue any direction to allow the writ petitioner 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 keep 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 on their whims and fancies. This being the principles to be followed, the present writ petition deserves no further consideration. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

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(4/6)

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