



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.15689 and 15690 of 2014

and

M.P. (MD) .Nos.1,1,2,2 and 3 of 2014

and

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

1.V.Murugan ... Petitioner in W.P.(MD).No.15689/14
2.S.Murugan ... Petitioner in W.P.(MD).No.15690/14

-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 Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1853/2014/Pa2 dated 09.09.2014 and quash the same and direct the first respondent to post the petitioner in his original place of Nazareth Selection Grade Panchayat.

For Petitioner

in both W.Ps : Ms.J.Anandhavalli

For R1

in both W.Ps : Mr.M.Jeyakumar
Additional Government Pleader

For R2

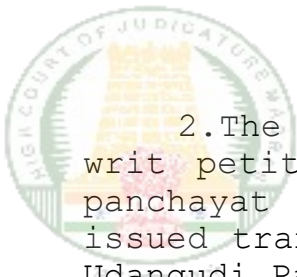
in both W.Ps : Mr.M.Jeyakumar

For R3

in both W.Ps : J.Gunaseelan Muthiah

COMMON ORDER

<https://hcservices.courts.gov.in/hcservices/>
The order of transfer dated 09.09.2014 issued on administrative grounds is under challenge in the present writ petitions.



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

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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 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 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 a malafide intention or if the same is in violation of statutory Rules in force. Even in case, where there is an allegation of malafide, the authority against whom such an allegation is raised are to be impeached 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 petitions are concerned, the writ petitioners were transferred from Nazareth to Udangudi which is not far away. Further they continued in the same station even after filing of these 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 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 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-80219[F] dated 07/08/2019)

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-80217[F] dated 07/08/2019)

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