



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.[MD]No.10340 of 2015

and

M.P.[MD]Nos.1 to 3 of 2015

R.Rajkumar

... Petitioner

Vs.

1.The Director,
Director of Municipal Administration,
Chennai.

2.The Regional Director,
Municipal Administration,
Cehpauk, Chennai.

3.The Commissioner of Municipality,
Kodaikanal,
Dindigul District.

4.S.Sekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent by his proceedings R.O.C.No.8557/2015/F1-3 dated 15.06.2015 and quash the same and consequently direct the respondents to permit the petitioner to work in Kodaikanal Municipality.

For Petitioner : Mr.A.Arun Prasad

For Respondents 1&2 : Mr.M.Jeyakumar

Additional Government Pleader

For Respondent No.3 : Mr.T.S.Mohamed Mohideen

Standing Counsel

For Respondent No.4 : Mr.B.Jameel Arasu

O R D E R

The order of transfer transferring the writ petitioner from Kodaikanal Municipality to Palani Municipality in the existing vacancy is under challenge in the present Writ Petition.

2.The impugned order of transfer dated 15.06.2015 states that the order of transfer was issued on administrative grounds under Rule 31 (c) of Part - II General Rules under the Tamil Nadu Municipal Service Rules, 1970.



3. Transfer is an incidental to service. More so, a condition of service. The impugned order of transfer has been issued on administrative grounds with reference to the rules in force. The authorities competent are empowered to issue transfer order in the interest of public administration. The High Courts cannot interfere in the administrative provision and the power of judicial review in this regard are undoubtedly very limited. If a transfer order is issued without jurisdiction or against the statutory rules or on malafide grounds, then only the Court can interfere and not otherwise. This being the principles to be followed, the present order cannot be interfered with.

4. The learned Additional Government Pleader brought to the notice of this Court that the writ petitioner was already relieved and the fourth respondent has joined in the place of the petitioner at Kodaikanal Municipality.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director,
Director of Municipal Administration,
Chennai.

2. The Regional Director,
Municipal Administration,
Chepauk, Chennai.

3. The Commissioner of Municipality,
Kodaikanal,
Dindigul District.

+1 CC to Mr. T.S. MOHAMED MOHIDHEEN, Advocate SR-75559.
+1 CC to SPL GP SR-75671.

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