



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.13363 of 2015

and

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

C.Chithira

... Petitioner

vs.

1.The Director

Directorate of Adi Dravidar Welfare
Chepauk, Chennai

2.The District Adi Dravidar and

Tribunal Welfare Officer
Ramnad District, Ramnad

3.Shanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records relating to the impugned order bearing Na.Ka.No.19048/2015 dated 24.07.2015 passed by the 1st respondent and quash the same.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.D.Muruganandham

Additional Government Pleader for R1 & R2
Mr.R.Anand for R3

O R D E R

The order of transfer, dated 24.07.2015, passed by the first respondent, is under challenge in the present writ petition.

2. The writ petitioner was appointed as a Secondary Grade Teacher on 05.01.2000 in Adi Dravidar and Tribal Welfare Department.

3. The learned counsel appearing for the writ petitioner submitted that in order to accommodate the third respondent, the writ petitioner was transferred from Paramakudi to Ramanathapuram.

4. This Court has granted an order of interim stay and pursuant to the interim order, the writ petitioner is continuing in

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the same place for about six years. A Government servant is eligible to continue in one place for three years as per the Government transfer policy. Even in other circumstances, the competent authorities are empowered to issue administrative transfers in the interest of public administration. Transfer being an incidental to service cannot be claimed as a matter of right. Post or place can never be claimed as a matter of choice by the Government servant. Transfer being a condition of service, the Government servant has to work wherever he is posted. An order of transfer can be challenged only on certain limited grounds, if the order of transfer is without jurisdiction or allegation of mala fides is raised or if the same is in violation of statutory rules in force. In the present case, the writ petitioner has set out a ground that the impugned transfer order has been issued in order to accommodate the third respondent in his place. However, the writ petitioner is continuing in the same place for more than six years, pursuant to the interim order granted by this Court. Under these circumstances, the writ petitioner cannot claim any further continuance in the same post as a matter of right. The authorities competent are empowered to effect transfers on administrative grounds and in the interest of public administration. This being the factum, no further consideration is required in respect of the grounds raised in the present writ petition.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

- 1.The Director,
Directorate of Adi Dravidar Welfare,Chepauk, Chennai.
- 2.The District Adi Dravidar and
Tribunal Welfare Officer, Ramnad District, Ramnad.

+1 CC to M/s.SPL GP (SR-83550[F] dated 27/08/2019)

+1 CC to M/s.T. ANTONYARUL RAJ, Advocate (SR-83877[F] dated 28/08/2019)

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