



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) No. 5861 of 2011

and

M.P. (MD) Nos. 1 and 2 of 2011

Shayied Ahmed

... Petitioner

-Vs-

1. Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Represented by its Managing Director,
Trivandrum Road, Vannarpettai,
Tirunelveli-627 003.

2. The General Manager (In charge),
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagercoil.

3. N. Sivasankaralingam

4. Rajendran

5. The Assistant Manager (Accounts),
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition is 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 dated 28.05.2011 passed by the second respondent in Reference No. 4078/A1/TNSTC/NGL/2009 and consequential relieving order passed by the 5th respondent dated 30.05.2011 in Note No. 1180/CAE1/TNSTC (TNLY)/NGL/2011 and quash the same.

For Petitioner

: Mr. A. Rahul

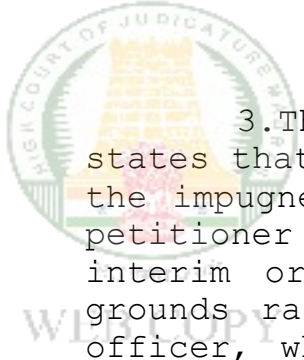
For Respondents

: Mr. K. Sathya Singh

ORDER

The order of transfer dated 28.05.2011 as well as the consequential relieving order dated 30.05.2011 are under challenge in the present Writ Petition.

2. The writ petitioner, who was working as Assistant in the respondent Transport Corporation, was transferred from Nagercoil to Marthandam Branch on administrative grounds.



3.The learned counsel appearing for the writ petitioner states that the order of interim stay was granted on the ground that the impugned order was issued on *mala fide* grounds. Now, the writ petitioner was allowed to work more than 8 years, based on the interim order granted in the present Writ Petition. *Mala fide* grounds raised also disappeared, on account of the fact that the officer, who issued original transfer order during the year 2011, was also not holding the post as of now. Under these circumstances, an employee continuing in the same post for more than 8 years cannot claim any further immunity to continue in the same post in an unspecified period.

4.Transfer is an incidental to service, more so a condition to service. Transfer can be issued on administrative ground. Transfer can never be considered as punishment. Transfer orders are issued on administrative grounds in order to maintain an effective and efficient public administration. The power of judicial review on transfers are certainly limited. Intermediate intervention has to be exercised cautiously and cannot be done in a routine manner, more specifically in the matter of administrative transfers.

5.This being the principles to be followed, now, the writ petitioner has already continued more than 8 years by virtue of interim order granted in the present Writ Petition and therefore, this Court is not inclined to grant any further continuance, as the transfer policy itself is to retain an employee in one post for three years.

6.Under these circumstances, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.side)

/ True Copy /

Sub Assistant Registrar (CS-)

Myr

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-67340[F] dated 07/06/2019)

+1 CC to M/s.SPL GP (SR-67377[F] dated 07/06/2019)

W.P (MD) No.5861 of 2011

ES/17.06.2019/2P/3C