

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.06.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.4128 of 2013****and****M.P. (MD) .No.2 of 2013**

WEB COPY

M.Selvaraj

... Petitioner

Vs.

1. The District Collector,
Karur District.
2. The Executive Officer,
Puliyur Town Panchayat, Karur District.
3. The President,
Puliyur Town Panchayat, Karur District.
4. The Executive Officer,
Aravakurichi Town Panchayat, Karur District.
5. R.Pitchaimuthu ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, after calling all connected records pertaining to passing of the impugned order dated 05.03.2013 made in Na.Ka.No.715/2013 **பெரு**, 2 on the file of the 1st respondent and quash the same.

For Petitioner	: Mr.H.Elango for Mr.N.Edwin Jeyakumar
For R1	: Mr.M.Jeyakumar Additional Government Pleader
For R2 & R4	: Mr.S.Satheeshkumar
For R3	: Mr.K.Govindarajan
For R5	: Mr.R.Sundar

ORDER

The order of transfer dated 05.03.2013 is under challenge in the present writ petition.

2.The writ petitioner viz., Mr.M.Selvaraj, was transferred from Puliyur Town Panchayat to Aravakurichi Town Panchayat. The order of transfer was issued at the request of the writ petitioner as well as the fifth respondent viz., Mr.R.Pitchaimuthu.

3.In fact, the order of transfer was issued on 05.03.2013. Even as per the Government Transfer Policy, an employee is liable to be transferred after a period of three years. This apart, the writ petition was filed in the year 2013 and the same is pending

for the past 6 ½ years. In these circumstances, there is no impediment for the competent authority to transfer both the writ petitioner as well as the fifth respondent, if an administrative exigency arose.

4. The transfer is an incidental to service. Moreso, a condition of service. Administrative transfers and request transfers are to be made in accordance with the guidelines issued by the Government and in the interest of public administration, an order of transfer can be interfered with, if the same has been issued by the incompetent authority or if an allegation of malpractice are raised or if an order of transfer is in violation of the statutory rules. In normal circumstances, no writ petition can be entertained in an order of transfer. The High Court cannot interfere with the routine administration of the State Government Departments. It is for the competent authorities to effect transfer on certain administrative grounds for the purpose of efficient public administration. Thus, it is for the competent authorities to effect transfer by considering the interest of public administration and if at all any personal grievances are raised, the authorities competent alone can consider the same in accordance with the rules in force. This being the principles to be adopted. This Court is of the considered opinion that now after a lapse of 6 ½ years from the date of issuance of the transfer order, no further consideration needs to be provided in respect of the grounds raised in the writ petition.

5. In view of the above, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS)

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To

The District Collector, Karur District.

- + 1 CC to The Special Government Pleader SR.No.67876
- + 1 CC TO Mr.K.Govindarajan, ADVOCATE IN SR No.68045
- + 1 CC TO Mr.R.Sundar, ADVOCATE IN SR No.67674

W.P. (MD) No.4128 of 2013

and

M.P. (MD) .No.2 of 2013

10.06.2019