

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.10698 of 2020

K.Djeacandane

...Petitioner

Vs

1.The Secretary to Government,
Department of Personnel and Administrative
Reforms (Personnel Wing),
Chief Secretariat, Beach Road,
Government of Puducherry,
Puducherry - 605 001.

2.The Programme Officer,
Directorate of Women and Child Development,
Government of Puducherry,
Puducherry - 605 013.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari after calling for the concerned records relating to the order dated 21.07.2020 in OA.No.353 of 2020 passed by the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same and allow the OA as prayed for.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Syed Mustafa,
Government Pleader (Puducherry)

WEB COPY

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein has come forward to file this writ petition challenging the order passed in O.A.No.353 of 2020 by the Central Administrative Tribunal, Chennai, by which, the Tribunal, while rejecting the contentions on merits, was

inclined to show some concession to the effect that the petitioner can rejoin the transferred place after the normalcy gets returned and when the transport is allowed by way of lifting the lock down.

2. The learned counsel for the petitioner submitted that a Group-D only on promotion. The petitioner has been transferred from Puducherry to Mahe. Normally transfer will be done only within the Puducherry and not to Mahe. This transfer order has been passed in view of the complaints made against the petitioner. Therefore, the impugned transfer order requires interference.

3. The learned Government Pleader (Puducherry) appearing for the respondents submitted that the transfer is not punitive in nature, which is incidental to service. The transfer order has been passed by the competent authority. It is the second round of litigation. A reasoned order has been passed for transferring the petitioner and therefore, no interference is required.

4. As rightly submitted by the learned Government Pleader (Puducherry) an order of transfer is incidental to service. There is no malice in fact or law. The petitioner has been transferred on administrative ground. We do not find any punitive action resulting in the order of transfer. Even assuming that there are complaints against the petitioner, an administrative transfer order can be passed in order to facilitate the smooth functioning of the administration. The impugned order has been passed by the transferring authority, which is competent to do so. It is not, as if, in all cases transfer can be effected from Puducherry to Mahe only on promotion. Thus, looking from any perspective, we do not find any reason to interfere with the order of transfer and also the order passed by the Tribunal. However, considering the facts of the case, the petitioner is given four weeks time to rejoin from the date of removing the lock down as indicated by the Tribunal in respect of transport.

5. The writ petition stands disposed of accordingly. No costs. Consequently

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

raa/kmk

To

1.The Secretary to Government,
Department of Personnel and Administrative
Reforms (Personnel Wing),
Chief Secretariat, Beach Road,
Government of Puducherry,
Puducherry - 605 001.

2.The Programme Officer,
Directorate of Women and Child Development,
Government of Puducherry,
Puducherry - 605 013.

+1cc to Mr.Gnanasekar, Advocate, SR.No.29483

+1cc to The Government Pleader, Puducherry, SR.No.29318

W.P.No.10698 of 2020

MG (CO)
RN (19/10/2020)



WEB COPY