

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3995 of 2019
and C.M.P.No.25028 of 2019

S.Rajendran

.. Appellant

-vs-

1.The Principal Chief Conservator
of Forests, Panagal Buildings,
Saidapet, Chennai 600 015.

2.The District Forest Officer,
Salem Division, Salem District.

3.M.Lakshmi

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 12.09.2019 passed in W.P.No.26530 of 2019 on the file of this Court.

W.P.No.26530 of 2019:

Writ Petition is filed under Article 226 of the Constitution of India praying this Hon'ble Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the transfer order issued by the 2nd respondent in Pa.AA.No.P2/248/2019 dated 21.08.2019 transferring the petitioner from Jadayagoundan Beat, Attur Range to Chengatur Beat, Vazhapadi Range and to quash the same and consequently issue direction to the respondents to allow the petitioner to serve in the Jadayagoundan Beat, Attur Range.

For Appellant : Mr.M.Sarath Kumar

For Respondent : Mr.S.Prabhu
Addl.G.P. (F) for RR 1 and 2

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant and learned Additional Government Pleader for the respondents-State.

2.The appellant contends that he has been selectively subjected to frequent transfers by the respondents, that too, even to accommodate the third respondent, M.Lakshmi. Learned counsel, therefore, submits that this is not in an administrative exigency, but in order to accommodate somebody else that the appellant had been shifted thrice for no valid reason.

3.Learned counsel submits that this is not in accordance with the policy and the guidelines framed by the respondents, copy whereof has been placed being G.O.Ms.No.10, Personnel and Administrative Reforms (Per.S) Department, dated 07.01.1994, coupled with Government Letter No.23847/S/98-1, dated 05.08.1998.

4.The three transfer orders are dated 24.05.2016, 13.06.2018 and 23.02.2019 followed by the last transfer order dated 21.08.2019. Learned counsel submits that the frequency of the transfers do not indicate that the appellant was either unacceptable or was more acceptable at other places. In the absence of any such valid ground, it was not appropriate to transfer and re-transfer the appellant consecutively on four occasions with a short span of time when the policy requires that at least the employee should be allowed to stay ordinarily for three years at one place.

5.We have perused the guidelines as also the Government Letter. It is settled that transfer is an exigency of service and on administrative grounds, an order of transfer can be passed. It is quite possible that the appellant is a very efficient person and therefore, he may be required at a better place, but that itself cannot be a ground to accommodate anybody else. The authorities should take a balanced view of the matter. We, therefore, set aside the impugned judgment dated 12.09.2019 and direct the respondents to consider the request of

the appellant in accordance with the guidelines and pass an appropriate order preferably within three months from the date of production of a certified copy of this order.

The Writ Appeal is, accordingly, allowed, with the aforesaid direction. There shall be no order as to costs. Consequently, C.M.P.No.25028 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

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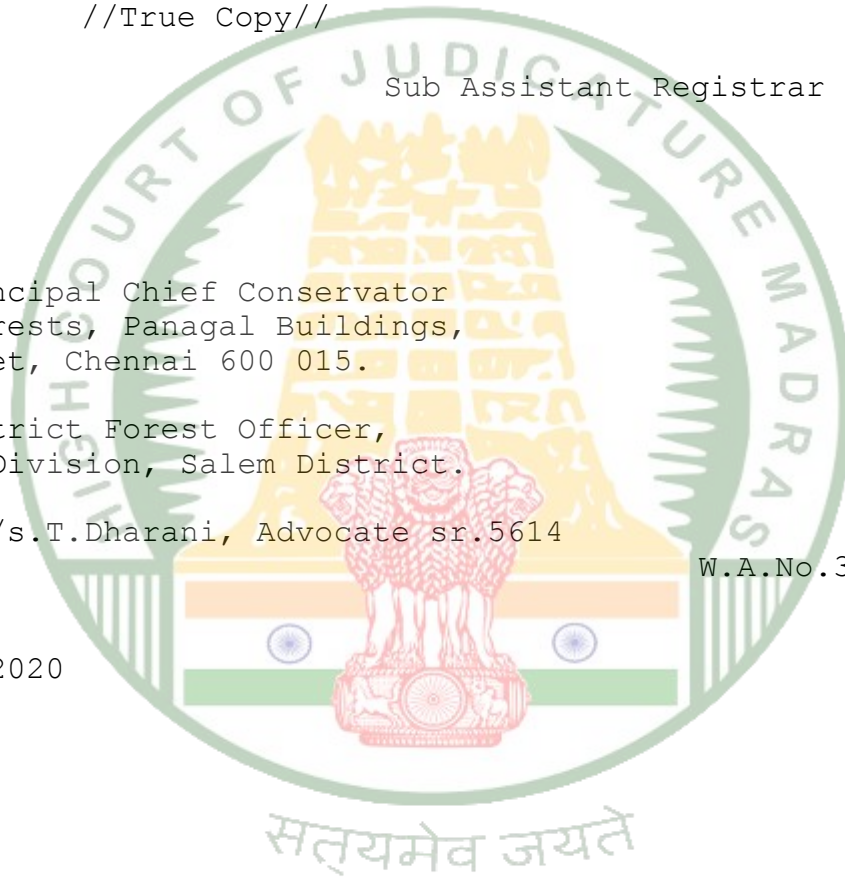
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2.The District Forest Officer,
Salem Division, Salem District.

+1cc to M/s.T.Dharani, Advocate sr.5614

W.A.No.3995 of 2019

sv(co)
nr 03/02/2020



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