



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-06-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.13826 of 2020

And

WMP Nos.17190 and 17245 of 2020

T.Ashok

..Petitioner

vs.

The General Manager,
Tamil Nadu Grama Bank,
Head Office,
No.6, Yercaud Road,
Hasthampatti,
Salem-638 007.

..Respondent

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 on the file of the respondent-Bank in Letter Office Order No.OF\TR\65\2020-21 dated 23.07.2020 and quash the same.

For Petitioner : Ms.D.Geetha

For Respondent : Mr.K.Srinivasamurthy,
Standing Counsel.

O R D E R

The writ on hand is filed to set aside the order of transfer dated 23.07.2020 passed by the respondent transferring the petitioner from Sivagiri Branch to RO Kancheepuram.

2. The petitioner states that he was appointed as Officer in Scale-I post and posted as Assistant Manager at Valathy Branch, Karur District. Thereafter, the petitioner worked on various places and transferred finally from Vellakovil Branch, Tiruppur District to Sivagiri Branch, Erode District by order dated 06.04.2018. Thereafter, the impugned order of transfer has



been issued, transferring the petitioner from the post of Branch Manager, Sivigiri Branch to the post of Manager, RO Kancheepuram.

3. The grounds raised by the petitioner for challenging the order of transfer are that the transfer order was penal in nature due to non-implementation of the digital attendance, which was instructed orally on 13.07.2020, particularly when the Kancheepuram is a Covid 19 hotspot and the Kancheepuram, Regional Manager was tested positive with Covid 19 and the entire Office is closed down. Further, it is contended that the petitioner had joined at Sivagiri Branch, Erode District on 06.04.2018.

4. This Court is of the considered opinion that the ground of Covid-19 raised at the time of filing of the writ petition on 24.09.2020, cannot be considered at this length of time as there are many changes.

5. Transfer is an incidental to service, more-so, a condition of service. The petitioner is working in the cadre of Manager. Therefore, he is liable for transfer on administrative grounds.

6. This apart, the petitioner has been transferred from Sivagiri to Kancheepuram and the learned Standing Counsel, appearing on behalf of the respondent, states that the substitute posted in the place of the petitioner at Sivigiri had joined duty on 17.08.2020 and therefore, the writ petition is liable to be dismissed.

7. With reference to the grounds raised that the impugned order of transfer is penal in nature, the petitioner could not able to substantiate nor established any acceptable ground. Even in case of raising a mala fide intention, the authority against whom such an allegation raised must be impleaded as party respondent in the writ proceedings. Merely stating that the transfer would cause inconvenience, cannot be a ground to set aside an order of transfer issued by the Competent Authority.

8. Transfers are issued in order to maintain efficient administration and transfer, being an incidental, the Authorities Competent are the best persons to decide who should work at what place. Only if the employee could able to establish that an order of transfer is issued on mala fide ground or without jurisdiction, then alone this Court could interfere and not otherwise.

9. In the present case, the petitioner has raised a ground of Covid-19 by stating that Kancheepuram was a hotspot. However, ten months have lapsed and there are several changes and



therefore, the said ground deserves no merit consideration.

10. In view of the facts and circumstances, the grounds raised by the writ petitioner for assailing the order of transfer are insufficient to grant the relief.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

The General Manager,
Tamil Nadu Grama Bank,
Head Office,
No.6, Yercaud Road,
Hasthampatti,
Salem-638 007.

+1cc to Mr.G.R.Prasad, Advocate, S.R.No.27676

WP No.13826 of 2020

PL(CO)
RGA(19/07/2021)