



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD) No.2285 of 2018

and

W.M.P(MD) Nos.2498 and 6911 of 2018

M.Ponnusamy

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Warehousing Corporation,
82, Annasalai,
Guindy, Chennai-2.

2. The Warehouse Manager,
Warehouse,
Tamil Nadu Warehouse Corporation,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned transfer order dated 29.01.2018 passed in Proc.Rc.1205/15/02 by the 1st respondent transferring the petitioner from Theni Warehouse to Aruppukottai Warehouse and the reliving order dated 31.01.2018 passed in Code.101/2018/TNWC/TNI by the 2nd respondent reliving the petitioner from Theni Warehouse and quash the same.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.M.Rajarajan,
Standing Counsel

O R D E R

This writ petition has been filed to quash the impugned transfer order dated 29.01.2018 passed in Proc.Rc.1205/15/02 by the 1st respondent transferring the petitioner from Theni Warehouse to Aruppukottai Warehouse and the reliving order dated 31.01.2018 passed in Code.101/2018/TNWC/TNI by the 2nd respondent reliving the petitioner from Theni Warehouse.

2.The petitioner herein, who was engaged as Record Clerk in the respondent Corporation has been transferred on 29.01.2018 from Theni

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Warehouse to Aruppukottai Warehouse. Owing to the interim order of this Court, the petitioner is continuing in the same post as Record Clerk in Theni Warehouse.

3.The 1st respondent has filed a counter affidavit wherein many acts of insubordination on the part of the petitioner have been stated. According to the respondents, the petitioner herein under the guise of inability to understand English has been refusing to do the duties of the Record Clerk. Apart from that, the respondents have, in their Counter affidavit, attributed acts of delinquency, negligence, carelessness and irresponsibleness on the part of the petitioner. Specific averments have also been made with regard to his indulgence in misconduct. It is under these circumstances, the respondents have chosen to invoke their administrative powers and transferred him.

4.Apparently, such administrative powers cannot be interfered with by this Court under Article 226 of the Constitution of India and the law is well settled with regard to the scope of this Court to interfere with the order of transfer on administrative grounds. The grounds raised by the petitioner herein do not fall within any of such exceptions warranting interference of this Court. Since the respondents have chosen not to proceed against the petitioner departmentally, but had chosen to transfer him in order to maintain a peaceful atmosphere in the workplace, such a decision is deemed to be an administrative decision and therefore, I do not find any infirmity or illegality in the order impugned.

5.In the light of the above discussion, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

DSK

To

1. The Managing Director,
Tamil Nadu Warehousing Corporation,
82, Annasalai,
Guindy, Chennai-2.



2. The Warehouse Manager,
Warehouse,
Tamil Nadu Warehouse Corporation,
Theni.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-5255[F] dated 16/02/2021)

Order made in
W.P(MD) No.2285 of 2018 and
WMP(MD) Nos.2498&6911 of 2018
15.02.2021

(CO)
SRS (01/03/2021) 3P : 4C