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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2337 of 2021

and

W.M.P.Nos.2645 & 2646 of 2021

V.P.Subramaniam

... Petitioner

vs.

1.The Principal Chief Conservator
of Forests (Head of Department),
Panagal Buildings, Saidapet,
Chennai - 600 015.

2.The Conservator of Forests,
Salem Circle, Salem.

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

4.Umapathy,
Forest Range Officer,
Double Lock Officer-2,
Sandalwood Depot, Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of transfer issued by the 1st respondent in Ref. No.B2/1659/2020, dated 25.01.2021, and to quash the same and to direct the respondents 1 to 3 herein to retain the petitioner in the same post and station till the completion of his tenure.

For Petitioner : Mr.M.Ravi

For RR1 to 3 : Mr.T.Arunkumar
Additional Government Pleader

For R4 : Mr.L.Chandrakumar



O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of transfer issued by the 1st respondent in Ref. No.B2/1659/2020, dated 25.01.2021, and to quash the same and to direct the respondents 1 to 3 herein to retain the petitioner in the same post and station till the completion of his tenure.

2. According to the writ petitioner, he is challenging the impugned transfer order passed in favour of the 4th respondent who was transferred from Salem to Yercaud in the place of the writ petitioner.

3. The learned counsel for the petitioner would submit that the impugned order of transfer has not been issued on administrative grounds and it has been issued at the request of the 4th respondent and the 1st respondent has no authority to issue the order of transfer.

4. The learned counsel appearing for the 4th respondent would submit that the petitioner has been again transferred from Salem to Trichy and the said transfer has been challenged in W.P No.16622 of 2021 which is pending before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and also the learned counsel appearing for the 4th respondent.

6. On a perusal of the impugned transfer order, it appears that the petitioner has challenged the aforesaid impugned order passed in favour of the 4th respondent, whereas, the petitioner was again transferred from Yercaud to Salem. Subsequently, the petitioner has joined duty at Salem, pursuant to the said transfer order passed by the 1st respondent as stated in the counter affidavit filed by the 3rd respondent and further, the petitioner cannot have the legal right to seek transfer. Considering the facts and circumstances of the case, the incumbent 4th respondent is posted to Yercaud Forest Range, Yercaud in the place of the petitioner by the 1st respondent in Ref.No.B2/1659/2020 dated 25.01.2021, and subsequently, the 4th respondent has been promoted from Forester cadre during the year 2018 and as a course of his duty he was allotted to Yercaud Forest Range to gain experience of Hill tracks. The order of transfer can be issued only on administrative grounds and hence, this Court cannot interfere into the transfer order passed by the concerned authority.



7. In State of U.P and others vs. Siya Ram and others [(2004) 7 SCC 405], the Honourable Supreme Court has held that unless the order of transfer is shown to be an outcome of mala fide exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals normally cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the employer / management, as against such orders passed in the interest of administrative exigencies of the service concerned.

8. Further, in Airports Authority of India v. Rajeev Ratan Pandey and others [(2009) 8 SCC 337], the Honourable Supreme Court has held that in the matter of transferring Government employees, the scope of judicial review is limited and the High Courts should not interfere with an order of transfer lightly.

9. In the instant case, on perusal of the materials available on records, this Court does not find any mala fide exercise or violation of any statutory provision on the part of the respondents and therefore, the impugned transfer order do not warrant any interference of this Court and the writ petition is liable to be dismissed.

10. In fine, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(VI)

//True copy//

Sub Assistant Registrar

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To

1.The Principal Chief Conservator
of Forests (Head of Department),
Panagal Buildings, Saidapet,
Chennai - 600 015.

2.The Conservator of Forests,
Salem Circle, Salem.

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



+1cc to Mr.L.Chandrakumar, Advocate SR.No.13861

+1cc to Special Government Pleader (Forest) SR.No.13924

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NR (CO)

GMV (12/04/2022)