



WEB COPY

W.P.No. 2007 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 2007 of 2018

Mr. C. Shanmugam

... Petitioner

Vs

1. The Managing Director,
The Tamil Nadu Cooperative Milk Producers'
Federation Limited Aavin Illam,
Madhavaram Milk Colony,
Chennai- 600051.

2. The Deputy General Manager & PO,
The Tamil Nadu Cooperative Milk Producers'
Federation Limited,
BFSS, Erode – 638 316.

3. S. Periyasamy
Respondents

...

Prayer : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent impugned order in Ref.No. 4738/PE8/2017 dated 22.01.2018 and quash the same consequently directing the first respondent to not to disturb the petitioner's service at the second respondent office at Erode.

For Petitioner : Mr. J. Saravana Vel

For Respondents : Mr. L.P. Shamnuga Sundaram
for first respondent
Mrs. V. Yamuna Devi
R3- No appearance



ORDER

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The order of transfer dated 22.01.2018, transferring the writ petitioner from Erode to Madhavaram, Chennai, is under challenge in the present writ petition.

2. The petitioner was appointed as a heavy vehicle driver on 31.08.2015 in TCMPF Ltd., Ambattur, Chennai. The grievance of the writ petitioner is that vide proceedings dated 08.06.2017, he was transferred from Chennai to Erode and accordingly, he joined at Erode. While so, the impugned order of transfer has been issued vide proceedings dated 22.01.2018, again transferring the writ petitioner from Erode to Madhavaram, Chennai.

3. The learned counsel for the petitioner mainly contented that the impugned order of transfer was issued within a period of seven months, which caused prejudice to the normal family life of the petitioner.

4. The petitioner states that he has to take care of his brother, who is suffering from serious ailments and therefore, he was not in a position to again join at Chennai.



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5. However, the fact remains that the petitioner was appointed at Chennai in the year 2015 and he was serving at Chennai up to the year 2017. He was transferred to Erode only vide proceedings dated 08.06.2017 and again re-transferred to Chennai from Erode vide proceedings dated 22.01.2018. Therefore, the petitioner was residing at Chennai from the year 2015 to 2017 and thereafter, residing at Erode for about seven months. Thus, the contention raised that he has to look after his brother at Erode, how far can be considered is a question.

6. That apart, certain personal grievances of the employees are to be considered only by the competent authorities. This Court cannot interfere with such administrative decisions, more so, in the matter of transfer.

7. Transfer is incidental to service, more so, a condition of service. High Court cannot interfere with the routine administration of the Government Departments. A writ against an order of transfer is entertainable only if it is tainted with allegations of malafides or issued by an incompetent authority, having no jurisdiction. In all other circumstances, the employee, who was transferred, has to join



in the place and serve in the interest of public.

8. High Court interfering in transfer orders would cause prejudice to the interest of the administration. The competent authorities would not be in a position to run the public administration in a peaceful manner. Thus, the High Court cannot interfere in administrative transfers, in exercise of the powers of judicial review under Article 226 of the Constitution of India.

9. Certain personal grievances, if at all arose, the employees have to approach the authorities for the purpose of re-consideration. This being the principles settled by the constitutional courts across the country, this Court is of the considered opinion that the transfer of the writ petitioner vide proceedings dated 22.01.2018, cannot be said to be infirm and the petitioner has not established any malafide grounds or the jurisdiction aspect. In the absence of any valid ground, the writ petition itself is not maintainable. This being the factum, this Court do not find any acceptable ground for the purpose of considering the relief and consequently the writ petition stands dismissed. No costs. Consequently, connected W.M.P.Nos. 2520 & 2521 of 2018 are closed.

30.11.2022



Index : Yes / No
Speaking order / Non-Speaking order
mrn

To

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S.M.SUBRAMANIAM, J.

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