



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No. 12950 of 2022

V. Manimegalai

..Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Nandhanam, Chennai - 600 035.
2. The Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Nandhanam,
Chennai - 600 035.
3. The General Manager,
Vellore District Milk Producers
Co-operative Federation Limited,
No.142, Arcot Road, Sathuvathe, i,
Vellore - 632 009,
Vellore District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to cancel the petitioner's transfer order and allow her to continue to work at Vellore by considering her family circumstances, as per the representation dated 04.05.2022.

For Petitioner :: Mr.R. Anbalagan

For Respondents:: Ms.R.L. Karthika,
Govt.Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents to cancel the petitioner's transfer order and allow her to continue to work at Vellore by considering her family circumstances, as per the representation dated 04.05.2022.



2. The petitioner is now working as Deputy Manager, Quality Control Section in Vellore District Milk Producers' co-operative Federation Limited, Vellore. Even according to the learned counsel for the petitioner, the petitioner is working in Vellore for about 26 years. Further, the petitioner states that there is a proposal to depute her on O.D. basis by respondents and on hearing the information, the present writ petition has been filed.

3. Learned counsel for the petitioner reiterated that the petitioner has got certain personal grievance and without considering any of those facts and circumstances, the respondents are initiating steps to depute the petitioner from Vellore to Madurai, which would cause hardship to the normal life of the petitioner.

4. Learned Government Advocate appearing on behalf of the respondents furnished a copy of the proceedings dated 30.04.2022 which reveals that the writ petitioner has already been transferred and posted to work at Madurai on O.D. basis to improve the quality of milk and milk products in each Unit.

5. When the petitioner has been deputed on O.D. basis due to certain administrative exigencies, the same cannot be interfered with by the High Court. Further, it is contended by the learned Government Advocate that the respondents have received several complaints against the writ petitioner and Vigilance enquiries are also proposed to be conducted. The competent authorities are empowered to transfer an employee in lieu of suspension. Frequent complaints against an employee are also to be construed as reasons for effecting an administrative transfer. There may not be clear evidence to punish an employee under certain circumstances. In such circumstances, the authorities are taking an administrative decision to transfer the employee in the interest of public administration and High Court cannot interfere with such administrative transfers effected by competent authorities in order to ensure smooth and effective functioning of public administration.

6. The petitioner is serving at Vellore for more than 26 years and as per the submission of the learned Government Advocate, several complaints have been received against the petitioner and enquiries are also going on. This apart, she has been deputed on O.D. basis from Vellore to Madurai. When transfer orders are made for administrative reasons or to improve public administration, High Court cannot interfere with such orders. Transfer is incidental to service, more so, a condition of service. Post or place can never be claimed as a matter of choice. If at all, any personal grievance exists, the petitioner



has to approach the competent authority for the redressal of the same. Contrarily, High Court cannot sit on appeal in respect of such an administrative decision taken by the competent authority to transfer an employee from one place to another place. Therefore, an order of transfer cannot be interfered with by the High Court in writ proceedings, unless such order is tainted with allegations of mala fides or issued by an incompetent authority, but not otherwise. In the present case, the petitioner has not raised any acceptable ground and further, the proceedings dated 30.04.2022 have not been challenged in this writ petition. Even the earlier writ petition filed in W.P. No. 20311 of 2021 was also disposed of with a direction to consider the representation of the petitioner. Thus, this Court is not inclined to entertain the writ petition with reference to the relief sought for. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Vacation Officer/Assistant Registrar

//True copy//

Sub Assistant Registrar

nv/arr

To

1. The Commissioner,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Nandhanam, Chennai - 600 035.
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No.142, Arcot Road, Sathuvathe, i,
Vellore - 632 009,
Vellore District.

+1cc to Mr.R. Anbalagan, Advocate SR.No.31616

+1cc to Government Pleader SR.No.31606

W.P. No. 12950 of 2022

NRL(CO)

GMV(26/05/2022)