



W.P.No.14875 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14875 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, Vellore 632 009,
Vellore District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing second respondent to cancel the petitioner's transfer order and to allow the petitioner to continue her work at Vellore, by considering the petitioner's family circumstances, as per her representation dated 31.05.2022 and to pass orders.



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For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.C.Kathiravan, Spl. Govt.Pleader
for R1 and R2

Mr.John Arokia Das for R3W

ORDER

This Writ petition has been filed seeking to issue a Writ of Mandamus directing second respondent to cancel the petitioner's transfer order and to allow her to continue work at Vellore, by considering her family circumstances, as per her representation dated 31.05.2022.

2. The case of the petitioner in brief.

According to the petitioner, she came to know that she was transferred from Vellore District Milk Producers Co-operative Federation Limited to Madurai vide proceedings dated 30.04.2022, but the order copy was not served to her till the date of filing of the writ petition. The petitioner gave a representation on 31.05.2022 seeking to allow her to continue at Vellore, considering her family situation and it is still pending. Hence this writ petition.



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3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Earlier, while the petitioner came to know about proposal for transfer, she filed a writ petition in W.P.12950 of 2020 to consider her representation dated 04.05.2022 and to allow her to continue work at Vellore. This Court vide order dated 04.05.2022, has ordered as follows.

" 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 malafides 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



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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"

5. The learned Special Government Pleader submitted that the petitioner has made a representation dated 31.05.2022 for cancellation of the transfer order. He further submitted that various allegations have been pending against the petitioner and hence, the transfer order has been issued on administration grounds.

6. Inview of the above submissions, this Court is not inclined to entertain this writ petition, as observed by this court in the earlier order dated 18.05.2022 in W.P.No.12950 of 2022. However, it is for the respondents to consider the request of the petitioner by taking into consideration of the grievances made by her and to pass orders as early as possible.



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7. With the above observations, this writ petition is **dismissed**.

No costs.

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Index:Yes/No

Internet:Yes/No

mst

To

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D. KRISHNAKUMAR, J.

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