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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14909 of 2022 and  
WMP No.14127, 14129 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 Certiorarified Mandamous calling for the records of the impugned order by in Reference No.4940/PE2/2022-2 dated 30.04.2022 passed by the second respondent, quash the same and further directing the second respondent to cancel the transfer order and to allow the petitioner to continue work at Vellore, by considering her family circumstances.

For Petitioner : Mr.R.Anbalagan

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

Mr.I.John Arokia Das for R3



## ORDER

This Writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus quashing the impugned transfer order dated 30.04.2022 and to allow the petitioner to continue work at Vellore, by considering her family circumstances.

### 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 cancel the transfer order and to allow her to continue at Vellore, considering her family situation and it is still pending. Hence this writ petition.

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

3. Earlier, while the petitioner came to know about the 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



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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"

4. 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.

5. This Court already discussed elaborately with the regard to the transfer order in W.P.No.12950 of 2022 dated 04.05.2022 and passed orders on merits and declined to interfere with the decision taken by the Authorities concerned by transferring the petitioner from one place to another place, in the interest of administration. Therefore, this writ petition, challenging the above said transfer order is not sustainable. Further, the petitioner has also filed a Writ Petition in W.P.14875 of 2022 seeking to consider her representation dated 31.05.2022 praying to cancel the transfer order and the afore said writ petition is dismissed. In view of the above, nothing survives for adjudication and hence the instant writ petition is liable to be rejected.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

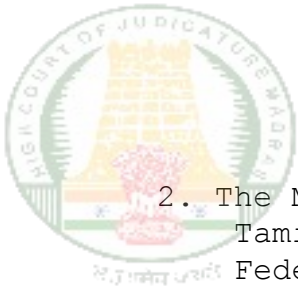
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Sub Assistant Registrar

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To

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.

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3. The General Manager,  
Vellore District Milk Producers Co-operative  
Federation Limited, No.142, Arcot Road,  
Sathuvathe, Vellore 632 009, Vellore District.

+1cc to Mr.R.Anbalagan, Advocate SR.No.35736

+1cc to Mr.C.Kathiravan, Advocate SR.No.35741

+2cc to Mr.I.John Arockiadas, Advocate SR.No.35708

W.P.No.14909 of 2022

PM(CO)

CB(08/07/2022)