



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.16622 of 2021

and

W.M.P.Nos.17615 & 17619 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.

... 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 03.08.2021, and to quash the same and to direct the respondents 1 to 3 herein to allow the petitioner to complete his normal tenure in the present post or station or to re-transfer him to original place at Yercaud.

For Petitioner : P.Kumaravel

For Respondents :Mrs.S.Anitha, Special Government Pleader

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, quashing the transfer order



issued by the 1st respondent dated 03.08.2021 and to direct the respondents to allow the petitioner to complete his normal tenure in the present post or station or to re-transfer him to his original place at Yercaud.

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3. The case of the petitioner in brief:

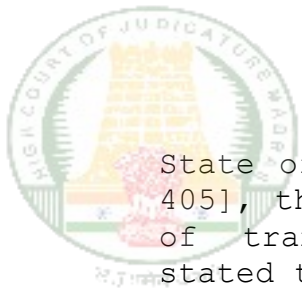
The petitioner was transferred from Yercaud Forest Range to Kurumbapatti Zoological Park and he had joined duty on 29.01.2021. Again he was transferred to outside the District and Circle i.e. to Trichy Circle, under the guise of administrative ground, vide order dated 03.08.2021. According to the petitioner, the Transfer order was issued in the middle of the Academic year, without any reason or ground. Further, the petitioner's daughter Ms.Archutha is studying in XII Standard in Ernald Valley, Public School, Yeraud Foot Hills, Salem and the impugned the transfer order which causes great hardship and mental agony to him and his family members may be quashed and the petitioner may be allowed to complete his normal tenure in the present station.

4. The learned counsel for the petitioner submitted that the impugned transfer order has been passed within three years from the date of earlier transfer order and also in the middle of the Academic Year. He further submitted that the petitioner's daughter is studying in XII Standard Examination and in view of the above transfer order, the petitioner and his family members are very much affected and hence, the same may be quashed.

5. The learned Special Government Pleader appearing for the respondents submitted that a Government Servant is bound to serve in the place, where he is posted for administrative reasons and the petitioner being a responsible official, working as Forest Range Officer, has to serve and render the duties allotted to him by the Government.

6. She further submitted that the petitioner has served in one and the same circle for nearly 24 years and he had challenged the earlier transfer order, but could not succeed till now. Further more, the transfer order has been issued only on administrative grounds, by exercising the power vested to the first respondent in G.O.(D)No.119, Environment and Forest Department dated 04.09.2020 and it is in order and no illegality found in the transfer order. Hence, the petitioner cannot challenge the above transfer order and hence, the writ petition is liable to be dismissed.

7. At this juncture, it is pertinent to note that 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. Considering the grounds raised by the petitioner and also in the light of the decisions rendered by the Hon'ble Supreme Court as well as by this court, 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.

10. At this juncture, the learned counsel appearing for the petitioner made a request before this court that, the petitioner's daughter is studying in XII Standard and the Examinations will be held in May 2022 and hence, till such time, the petitioner may be permitted to continue in the same station.

11. The learned Special Government Pleader also has not raised objection to continue the petitioner's service in the same station till May 2022.

12. In the light of the above submission, it is appropriate for this court to pass the following order.

i) The petitioner is permitted to continue his service in the same station till May 2022 /completion of XII Standard Examination-2022.

ii) Till such time, the impugned transfer order shall be kept in abeyance.

iii) Thereafter, it is open to the respondents to give effect to the impugned transfer order.

iv) It is open to the petitioner to make his representation before the respondent authority, if so advised.



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13. With the above directions, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

mst

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.M.Ravi, Advocate SR.No.22280
+1cc to the Government Pleader, SR.No.21734
+1cc to Special Government Pleader(Forest),22088

W.P.No.16622 of 2021 and
WMP No.17615 and 17619 of 2021

RP(CO)
CB(22/04/2022)