

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8421 of 2016

and

W.M.P. Nos. 7459 and 7460 of 2016

A.Kumaragurubaran

... Petitioner

-vs-

1. The Director of Adi Dravidar Welfare,  
Chepauk,  
Chennai - 600 005.

2. The District Adi Dravidar & Tribal Welfare Officer,  
Villupuram District,  
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned proceedings issued by the First Respondent in Na.Ka.No. A2/08991/2015 dated 22.02.2016 and to quash the same and consequently directing the Respondents to allow the Petitioner to continue to work as P.G. Assistant (Physics) in Government Tribal Residential Higher Secondary School, Maniyarpalayam, Villupuram District.

For Petitioner : Mr. G.Sankaran

For Respondents: Mr. M.R.Gokula Krishnan,  
Additional Government Pleader

O R D E R

Heard Mr. G.Sankaran, Learned Counsel for the Petitioner and Mr. M.R.Gokula Krishnan,, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as P.G. Assistant in Adi Dravidar and Tribal Welfare Department, was transferred from Maniyarpalayam to Kolapancheri by proceedings in Na. Ka. No. A2/08991/2015 dated 22.02.2016 passed by the First Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 07.03.2016 had passed an order of interim stay, which continues to be in force as on date.

4. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than six years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances still exist. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the status quo as prevailing today shall be in force.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

skr

To

1. The Director of Adi Dravidar Welfare,  
Chepauk, Chennai - 600 005.
2. The District Adi Dravidar & Tribal Welfare Officer,  
Villupuram District,  
Villupuram.

+1cc Government Pleader S.R.No. 45545

(19/07/2022)

W.P. No. 8421 of 2016

BP(CO)  
CT/13/07/2022