



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

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

W.P. No. 2887 of 2017

and

W.M.P. Nos. 2801 and 2802 of 2017

R.Thambidurai

... Petitioner

-vs-

1. Tamil Nadu Civil Supply Corporation

Rep. by its Managing Director

Head Office No.12

Thambusamy Road, Kilpauk

Chennai - 600 010.

2. The Principal Secretary /Managing Director

Tamil Nadu Civil Supply Corporation

Head Office

No.12, Thambusamy Road, Kilpauk

Chennai - 600 010.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned transfer order in Proc. No. AE4/3891/2016-[2] dated 30.01.2017 passed by the First Respondent and quash the same.

For Petitioner : Mr.Vellapandi

For Mr. K.Sudalaikannu

For Respondents : Mr.L.P.Shanmugasundaram

Standing Counsel

O R D E R

Heard Mr. K.Sudalaikannu, Learned Counsel for the Petitioner and Mr. L.P.Shanmugasundaram, Learned Special Government appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Petitioner while working as Superintendent in Tamil Nadu Civil Supplies Corporation, had been transferred from Nagapattinam to Chennai (North) by Proceedings No. AE4/3891/2016-(2) dated 30.01.2017 passed by the Second Respondent, which is challenged in this Writ Petition.

3. It has been brought to notice from the Proceedings in Na. Ka. No. E6/ 2500/2019 dated 27.03.2019 of the Manager (Administration) in the office of the Second Respondent that the Petitioner had on 10.02.2017 reported for duty at the transferred place in furtherance to the impugned order.

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 five years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. 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.

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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



Maya
To

1. The Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office No.12,
Thambusamy Road, Kilpauk,
Chennai - 600 010.
2. The Principal Secretary /Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

W.P. No. 2887 of 2017

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srg 31/05/2022