



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1762 of 2022

and

W.M.P. (MD) Nos.1549 & 1550 of 2022

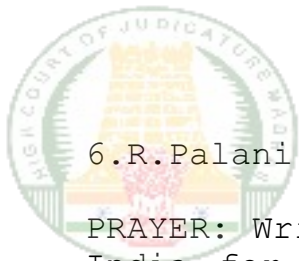
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O.K.Prakash Babu

... Petitioner

vs.

- 1.Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
rep.by the Chairman cum
Managing Director
10th Floor, NPKRR Maaligai
144, Anna Salai
Chennai-2
- 2.Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
rep.by the Secretary
10th Floor, NPKRR Maaligai
144, Anna Salai
Chennai-2
- 3.The Chief Engineer / Distribution /
Madurai Region
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO)
Madurai Regional Office
K.Pudur, Madurai-7
- 4.The Superintending Engineer
Madurai Electricity Distribution Circle / Metro
Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO), Madurai District
- 5.The Superintending Engineer
Non-Conventional Energy Sources
Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
Tirunelveli, Tirunelveli District



6.R.Palani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the impugned order in Memorandum No.1520/A1/A12/2022-1, dated 21.01.2022, on the file of the respondent No.2 in so far as the petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.Lajapathi Roy

For Respondents : Mr.S.Arivalagan for R1 to R5
Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R6

O R D E R

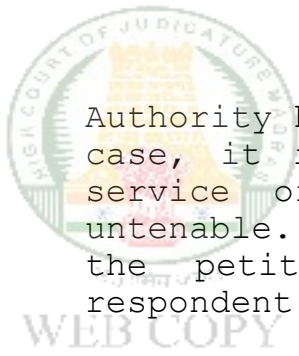
The order of transfer and posting, dated 21.01.2022, issued by the second respondent, is under challenge in this writ petition.

2. The petitioner is working as Executive Engineer in the respondent - TANGEDCO. The order of general transfer and posting was issued by the Secretary of TANGEDCO transferring the petitioner from Operation & Maintenance, West Madurai, Madurai EDC to Operation & Maintenance, Palani, Dindigul EDC in the existing vacancy. The sixth respondent - Palani was transferred from Tirunelveli to Madurai and posted in the place of the petitioner.

3. The learned counsel for the petitioner mainly contended that the impugned order of general transfer and posting was issued in order to accommodate the sixth respondent. Therefore, the impugned order is liable to be set aside. It is further contended that the request transfer can be accepted only against the existing vacancy and no such transfer can be issued in order to consider the request transfer application of the other employees.

4. The learned Senior Counsel appearing for the sixth respondent objected the above contentions of the learned counsel for the petitioner by stating that it is a routine general transfer and posting issued to 85 officials, who all are working in Class-I Service and in the event of interfering with such transfer orders, the very public administration would suffer, more specifically, the transfer of Class-I Service officials is imminent for effective administration and Courts would not interfere with any such transfers unless there is a valid ground for such interference.

5. The learned Senior Counsel for the sixth respondent reiterated that the the order of transfer can be interfered with by the High Court, if it is tainted with *mala fides* or issued by the



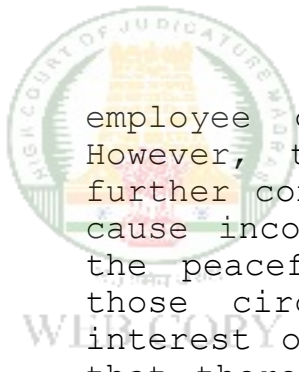
Authority having no jurisdiction, but not otherwise. In the present case, it is a general transfer and posting issued to 85 Class-I service officials and therefore, the writ petition itself is untenable. By virtue of the interim order granted by this Court, the petitioner is continuing in Madurai, thereby the sixth respondent is deprived from joining in the transferred place.

6. The learned counsel appearing for the TANGEDCO made a submission that the impugned order of transfer and posting has not been cancelled as far as the petitioner and sixth respondent are concerned. By virtue of the interim order, the petitioner was allowed to continue at Madurai. The impugned order of general transfer and posting was issued in respect of 85 Class-I Service officials and it is a routine transfer order issued in the interest of public administration and thus, the writ petition is liable to be rejected.

7. This Court is of the considered opinion that High Court cannot interfere with the day-to-day administration of the Departments, more specifically, when Class-I Service officials are transferred. The Secretary of TANGEDCO is the best person to effect transfer of officials in TANGEDCO for the purpose of smooth and effective administration. In the event of interference by the High Court in such general transfer, undoubtedly, the same would cause inconvenience to the public administration as there may be several reasons for such transfer, including poor performance, non-performance, complaints or otherwise. All such reasons cannot be gone into by the High Court in a writ proceedings. This exactly is the reason why the Constitutional Courts across the country repeatedly held that High Court cannot interfere with routine general transfers effected by the Competent Authority in the interest of public administration.

8. High Courts are not expected to interfere with the day-to-day administration of the uniformed forces. There may be varieties of reasons for effecting such administrative transfers. Such reasons cannot be gone into by exercising the power of judicial review under Article 226 of the Constitution of India. Thus, the personal grievances, if any, are to be placed before the competent authority for the purpose of redressal in the manner known to law. However, High Court cannot grant any relief merely based on certain family or personal grievances, which are to be verified and in this regard, High Court cannot conduct a roving enquiry.

9. On a perusal of the impugned transfer order, it is seen that the writ petitioner is transferred on administrative ground and in the interest of administration. Transfers are imminent in respect of public servants, whenever there is a complaint against the employee is made known to the competent authorities. In certain circumstances, there may not be an evidence to prosecute the

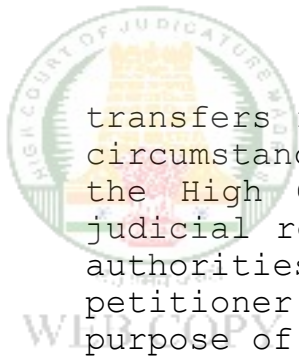


employee or to initiate departmental disciplinary proceedings. However, the competent authorities may be of the opinion that further continuance of a public servant in a particular place would cause inconvenience as well as cause some difficult situation for the peaceful functioning of the public administration. Thus, in those circumstances, transfers alone are the remedies in the interest of public administration. Therefore, it is not necessary that there must be a transfer only after conducting an inquiry or initiation of disciplinary proceedings .

10. Administrative transfers are issued on various circumstances and on various grounds. For instance, continuance of certain public servants in a particular post, may not be conducive for peaceful administration or their further continuance may cause certain troubles to the people. There are various such administrative aspects, which all are the reasons for the administrative transfers. Courts would not be in a position to scrutinize or conduct an enquiry in respect of those reasons for such issuance of the administrative transfers.

11. Administrative transfers are the prerogative of the Department concerned and the competent authorities are the best persons to assess and act accordingly. However, those competent authorities should act in the interest of public and in the event of any illegality or some personal motive, then alone, the employee can approach the Court of law for appropriate remedy. In other words, if an order of transfer is issued with a mala fide intention or in violation of the statutory rules, then a writ petition can be entertained. Even in such cases, the allegation of mala fide intention must be substantiated in the writ proceedings and the official concerned must be impleaded as party respondents in the writ proceedings. In the absence of any such legal ground, routine administrative transfers can never be interfered with by the Constitutional Courts. Transfer is an incidental to service, more so, a condition of service. Public servant is liable to work wherever he is posted in the interest of public administration. On accepting the offer of appointment, a person is agreeing for the conditions of service and transfer being incidental, he must be in a position to work, wherever he is posted.

12. Place or post can never be claimed as a matter of choice by the public servants. All public servants are duty bound to perform their duties diligently and with utmost care and devotion. These being the basic principles to be followed, erosion in this regard can never be tolerated either by the officials or by the Courts. High Court cannot interfere with the routine administration of the State or its organization. In the event of such routine interference in administration, more specifically, in transfer cases, the very discipline and the functioning of the administration would be paralyzed. Thus, the judicial review of administrative



transfers must be exercised with restraint and only on exceptional circumstances, such orders of transfers can be interfered with by the High Courts and not otherwise. This being the scope of the judicial review of administrative transfers issued by the competent authorities, this Court is of an undoubted opinion that the writ petitioner has not established any such acceptable ground for the purpose of interference in the order of transfer.

13. In view of the above facts and circumstances, the petitioner has not made out any acceptable grounds for granting the relief as prayed for. If at all any grievance still exists, it is left open to the petitioner to approach the Competent Authority and redress his grievance in the manner known to law.

14. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-19261[F] dated 19/04/2022)

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SVN (CO)

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