



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) Nos. 2310 to 2313 of 2022

and

W.M.P. (MD) Nos. 2015, 2016, 2017, 2019 3449, 3652, 3443 and
3457 of 2022

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|------------------------|---|
| 1. G. Bhaskar | ... Petitioner in W.P. (MD). 2310 of 2022 |
| 2. P. Babu | ... Petitioner in W.P. (MD). 2311 of 2022 |
| 3. C. V. Sajitha Kumar | ... Petitioner in W.P. (MD). 2312 of 2022 |
| 4. V. Sunish | ... Petitioner in W.P. (MD). 2313 of 2022 |

Vs.

1. The District Collector,
Kanyakumari District @ Nagercoil.
2. The Senior Regional Manager,
Tamilnadu State Marketing Corporation Limited (TASMAC),
Plot No: 100,
Anna Nagar,
Madurai-20.
3. The District Manager,
Tamilnadu State Marketing Corporation Limited (TASMAC),
Bethal Nagar,
Chenbagaramanputhur,
Aralvaimozhi,
Kanyakumari District.

.... Respondents
in all writ petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court Pleaded to issue a Writ of Certiorari or any other appropriate writ or order or Direction in the nature of a Writ to call for the records pertaining to the Impugned Order passed by the 3rd Respondent herein vide Na. Ka. No. A1/724/2021 dated 25.01.2022 and quash the same as illegal.

For Petitioners in

all cases

: Mr. B. Brijesh Kishore

For R1 in all cases

: Mr. A. K. Manikam,

Additional Government Pleader.

For R2 and R3 in

all cases

: Mr. B. Jameel Arasu



COMMON ORDER

The order of administrative transfer dated 25.11.2022 transferring the writ petitioner from Shop No.4819 to Shop No.4865 within the same location, is under challenge in these writ petitions.

2.The learned counsel for the petitioners made a submission that on account of several irregularities by the higher officials, the petitioners are unnecessarily victimised. The authorities are allowing supervise to work in the place at their choice and transferred the writ petitioners without any valid reason. Though the petitioners states that the authorities are issuing orders of transfer with malafide intention, there is no specific allegation in this regard. In order to those officials are impleaded as party respondents in their personal capacity, thus, the High Court cannot consider the said allegation. The petitioners have been transferred from one shop to another shop in the same location. The transfer made within the District from one shop to another shop, it will not affect the normal life of the petitioners.

3.In view of the fact that the High Court cannot interfere with such administrative transfer made by the authorities. If any grievance against the authorities arises, it is left open to the petitioners to approach the higher authorities or the Government, as the case may be, for the purpose of initiating action. Contrarily, the High Court cannot interfere with the order of administrative transfer.

4. Administrative transfers are the prerogative of the employer concerned as transfer is an incidental to service, more so, a condition of service. The Competent Authorities, in the interest of administration and to improve the efficiency, necessarily has to transfer the employees whenever and wherever required. If at all any such transfer order has been issued with a malafide intention, then alone, the aggrieved person can approach the Court of law for appropriate remedy. Even in case of raising an allegation of malafide, the Authorities against whom such an allegation raised must be impleaded as party respondent in his personal capacity. In all other circumstances, the employee has to work wherever he is posted and if the transfer orders are issued on certain administrative exigency in the interest of public, the employee has to join and perform his duties.

5. Place or post can never be claimed as a matter of choice by the public servants. In the present case, the petitioners are working as Supervisors in TASMAL. Even, on some occasions, the employees are transferred on certain complaints. In lieu of suspension, the employees are transferred on other occasions. All these factors are to be considered by the Competent Authority while taking a decision. However, the power of judicial review need not be



exercised against the order of administrative transfer, unless it is established that the order of transfer has been issued with a malafide intention or without jurisdiction.

6. In the present case, the petitioners could not able to establish any such acceptable ground for the purpose of entertaining the Writ Petitions. The other grievances cannot be a ground to assail the order of administrative transfer. Thus, the petitioners are bound to join in the transferred place in the interest of public and as well as in the interest of administration.

7. Accordingly, the Writ Petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Kanyakumari District @ Nagercoil.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-11638[F]

+1 CC to M/s.SPL GP (SR-12197[F] dated 15/03/2022)

ORDER MADE IN
W.P. (MD) Nos. 2310 to 2313 of 2022
and
W.M.P. (MD) Nos. 2015, 2016, 2017,
2019 3449, 3652, 3443
and 3457 of 2022
11.03.2022

PKP/28.03.2022/3P/4C