



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos. 2621 of 2022

and

W.M.P. (MD) Nos. 2320 and 2321 of 2022

WEB COPY

S.Michael

... Petitioner

Vs.

1.The Senior Divisional Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai.

2.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Shenbaga Raman Pudur, Nagercoil,
Kanyakumari District.

... Respondents

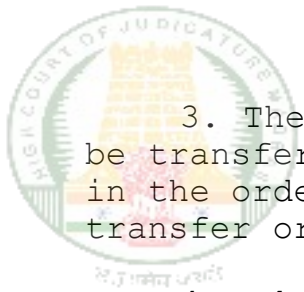
PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pursuant to the impugned order passed by the first respondent in proceedings Na.Ka.No.233/2022-A1 dated 24.01.2022 and consequential order passed by the second respondent in proceedings Na.Ka.No.A1/724/2021 dated 25.01.2022 and quash the same so far as the petitioner is concerned and consequently direct the respondents to permit the petitioner to continue as Supervisor in Shop No.4821 in Kanyakumari District.

For Petitioner : Mr.M.Saravana Kumar
For Respondents : Mr.B.Jameel Arasu

O R D E R

The order of transfer issued by the first respondent in proceedings dated 24.01.2022 and the consequential order passed by the second respondent in proceedings dated 25.01.2022 are sought to be quashed in the present Writ Petition. A further direction is sought for to allow the petitioner to work in the same place.

2. The petitioner is working as Assistant Salesman in TASMAC Shop. The petitioner states that he is working without any complaints and discharging his duties to the satisfaction of his superiors. The petitioner narrates certain circumstances under which he performed his duties diligently. However, those circumstances are not relevant, as far as the impugned administrative transfer order is concerned.



3. The order impugned states that the petitioner is directed to be transferred on administrative ground. The first respondent stated in the order itself that in view of the administrative exigency, the transfer orders are issued.

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 petitioner is working as Assistant Salesman 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 petitioner could not able to establish any such acceptable ground for the purpose of entertaining the Writ Petition. The other grievances cannot be a ground to assail the order of administrative transfer. Thus, the petitioner is 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 Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

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To

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Tamil Nadu State Marketing Corporation Limited (TASMAC),
Madurai.

2. The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Shenbaga Raman Pudur, Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-5230[F]
dated 10/02/2022)

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and**

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nsn(CO)

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