



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3959 of 2022
W.M.P (MD) .Nos.3401 & 3402 of 2022

V.Kannan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Minerals Limited,
Chepauk,
Chennai-600 005.

2.The Factory Manager,
Tamil Nadu Minerals Limited,
Karuthapuliyampatti,
Melur,
Madurai District-625 106.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 1st respondent in O.O.No.08/2022/Rc.No.779/E5/2022 dated 24.02.2022 and quash the same as illegal and consequently directing the 1st respondent to consider the petitioners transfer based upon his proceedings dated 25.08.2021 in Na.Ka.No.4451/i2/2021.

For Petitioner	:	Mr.C.Ezhilarasu
For Respondents	:	Mr.P.Thilak Kumar
		Additional Government Pleader
		assisted by
		Mr.M.Ramesh
		Government Advocate

O R D E R

The order of transfer dated 24.02.2022, transferring the petitioner to Legal & IR Section, Head Office, is under challenge in the present Writ Petition.

2. The learned counsel appearing for the petitioner made a submission that the petitioner is working as Assistant at Sivagangai District and even before the impugned order of transfer, he made a representation to the Authorities concerned to consider his case for transferring him at Sivagangai Factory.



3. The learned counsel appearing for the petitioner states that the said representation was not considered. Subsequently, after the impugned order of transfer, he has also made a representation on 26.02.2022 requesting the Authorities to cancel the order of transfer. Without considering his representation to post him at Sivagangai Factory, the petitioner is transferred to Head Office.

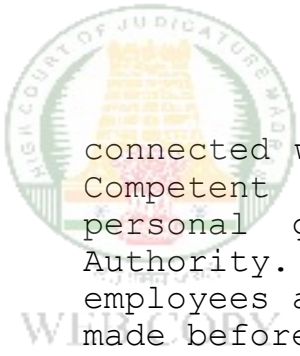
4. The learned counsel appearing for the petitioner made a submission that the petitioner's wife is working in Mahila Court, Sivagangai and he is taking treatment for his son and therefore, his presence in the village is required.

5. This Court is of the considered opinion that the transfer is an incidental to service, more so, a condition of service. Post or place can never be claimed as a matter of right or choice by the employees. The transfer being a condition, at the time of appointment of an employee, the High Court cannot interfere with the administrative transfer issued by the Competent Authorities. The scope of judicial review to interfere with an order of transfer is limited, only if the order of transfer is tainted with malafide or the Authority, who issued the order, has no competency or jurisdiction. In all other circumstances, the employee concerned is bound to obey the order of transfer in the interest of public administration. It is not as if the employee can choose a place or post as a matter of choice. When the transfer being the appointment condition, the employees are bound to serve in the place wherever they are posted. Certain personal grievances may be placed before the competent Authorities for consideration. However, the Court cannot interfere with the administrative transfer on misplaced sympathy.

6. In every family, there may be one or other grievance. Every citizen may have personal issues one way or other and if the High Court is starting to consider their personal grievances, undoubtedly, the very scope of the writ petition under Article 226 of the Constitution of India is not only subverted but also the High Court would be unnecessarily interfering with the day-to-day administration of the public Institutions.

7. The Constitutional Courts across the Country have repeatedly emphasized that the scope of judicial review cannot be expanded to interfere with the administrative transfer issued by the Competent Authorities. In the event of such interference, it would cause inconvenience to the public administration as the Competent Authorities are empowered to regulate the administration for its efficiency in the manner contemplated.

8. In the present case, the petitioner states that he made representations even before the impugned order of transfer to post him at Sivagangai Factory. The said representations are no way



connected with the present impugned order of transfer issued by the Competent Authority. If at all the petitioner has to place his personal grievance, it is to be placed before the Competent Authority. The Courts cannot consider such personal grievance of the employees and verify the correctness or otherwise of such grievances made before the High Court in a writ petition.

9. This being the principles to be followed, this Court is of the considered opinion that an order of administrative transfer issued cannot be interfered with. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Managing Director,
Tamil Nadu Minerals Limited,
Chepauk,
Chennai-600 005.

2. The Factory Manager,
Tamil Nadu Minerals Limited,
Karuthapuliyampatti,
Melur,
Madurai District-625 106.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-9819[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-10178[F] dated 04/03/2022)

W.P. (MD) No.3959 of 2022

03.03.2022

SB(CO)

KB(19.04.2022) 3P 5C