



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4093 of 2022

and

W.M.P. (MD) Nos.3496 & 3497 of 2022

B.Saravanan

... Petitioner

-vs-

1.The Inspector General of Police (South Zone),
77, 4th Street, Race Course Colony,
K.K.Nagar, Madurai 625 002.

2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Superintendent of Police,
Madurai District Police Office, Madurai.

4.The Deputy Superintendent of Police,
Oomachikulam Division, Madurai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned transfer order in C.No.A1/01776/2022 and D.No.178/2022 dated 01.03.2022 passed by the 3rd respondent and set aside the same and subsequently direct 1 - 2 respondents to reinstate the petitioner in any of the unit in Madurai city for the time being to continue the medical treatments of his mentally disabled sister and his wife.

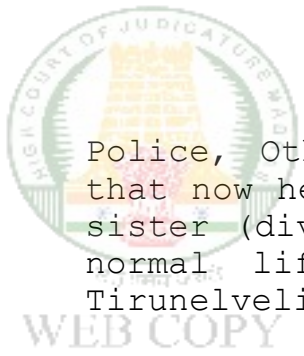
For Petitioner : Mr.R.Muruga Boopathy

For Respondents: Mr.M.Ramesh,
Government Advocate

O R D E R

The order of transfer and posting issued to the petitioner dated 01.03.2022 is under challenge in the present writ petition.

2.The petitioner is currently working as the Inspector of



Police, Othakadai Police Station, Madurai. The petitioner states that now he is taking care of his aged mother and mentally disabled sister (divorcee). Therefore, the present transfer will affect his normal life. The petitioner is transferred from Madurai to Tirunelveli Range on administrative reasons.

3.The question arises whether the High Court can consider the personal grievances of an employee in a writ proceedings.

4.Transfer *per se* cannot be considered as a cause for filing a writ petition except on the ground that the order of transfer is tainted with *mala fides* or without jurisdiction. In all other circumstances, the administrative transfers are to be implemented in the interest of public administration.

5.The petitioner is working as an Inspector of Police, which is a responsible position and law enforcing authority. Since he is in uniformed services, certain administrative transfers are unavoidable and the interference of the Court in such administrative transfers would affect the morale and discipline of the uniformed services, which is not desirable.

6.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.

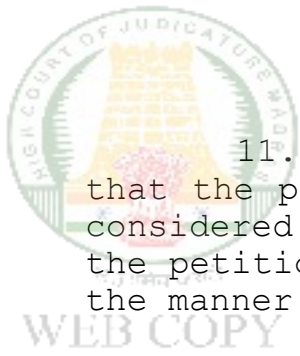
7.On a perusal of the impugned transfer order, it is seen that the writ petitioner is transferred on administrative ground and in the interest of administration. Transfers are imminent in respect of public servants, whenever there is a complaint against the employee is made known to the competent authorities. 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 enquiry or initiation of disciplinary proceedings.



8. 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.

9. 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.

10. 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.



11.The learned counsel for the petitioner made a submission that the personal grievances placed before the authorities were not considered. However, this Court is of the opinion that it is for the petitioner to pursue the matter before the higher authorities in the manner known to law.

12.With the above observations, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar(A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Inspector General of Police (South Zone),
77, 4th Street, Race Course Colony,
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3.The Superintendent of Police,
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4.The Deputy Superintendent of Police,
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+1 CC to M/s.SPL.GP (SR-10962[F] dated 09/03/2022)

W.P. (MD) No.4093 of 2022
08.03.2022

sb(CO)

TR(18.03.2022) 4P 6C