



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5741 of 2022

and

W.M.P.(MD) Nos.4590 & 4591 of 2022

WEB COPY

K.Lakshmanan

... Petitioner

-vs-

1. The Senior Personnel Officer/Labour,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
TANGEDCO,
Pudukkottai Electricity Distribution Circle,
Pudukkottai District.

3. The Superintending Engineer,
TANGEDCO,
Trichy Electricity Distribution Circle/Metro,
Trichy District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order of transfer passed by the 1st respondent in his proceedings Memo No.018098/G42/G.422/2022-1 dated 22.03.2022 and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.S.Arivalagan

O R D E R

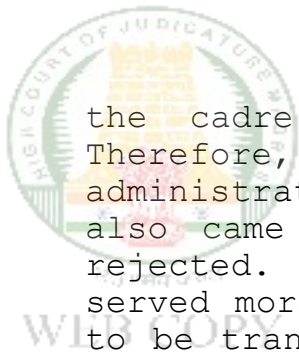
The order of administrative transfer transferring the writ petitioner from Pudukkottai to Trichy Electricity Distribution Circle is under challenge in the present writ petition.

2. The petitioner is working as Foreman Grade-I and he is transferred from Pudukkottai to Trichy on administrative grounds.

3. The learned counsel for the petitioner raised two grounds. It is contended that the Senior Personnel Officer/Labour is not the competent authority and the second ground is that the order has been issued during the middle of the academic year.

4. The learned counsel for the respondents objected the said contention by stating that the Senior Personnel Officer/Labour is in

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the cadre of Chief Engineer in the Head Office at Chennai. Therefore, he is the authority competent to issue the order of administrative transfers. Further, as of now, the academic period also came to an end and therefore, the writ petition is to be rejected. It is further contended that the petitioner has already served more than 4 years at Pudukottai and therefore, he is liable to be transferred on administrative grounds in accordance with the transfer policy of the TANGEDCO.

5. This Court is of the considered opinion that the petitioner has been transferred from Pudukottai to Trichy, which is an adjacent District. This apart, the petitioner has already served more than 4 years in the present station at Pudukottai. Therefore, the Chief Engineer/Senior Personnel Officer/Labour transferred the writ petitioner on administrative grounds. Such administrative transfers cannot be interfered with by the High Court, unless such orders are tainted with the allegations of mala fides or issued by an incompetent authority. Though the petitioner has raised the point of jurisdiction, it was rebutted by the respondents by stating that the Senior Personnel Officer/Labour is in the cadre of Chief Engineer in the Head Office and exercising control over the labours working in Trichy and therefore, he is competent to pass the administrative transfer order.

6. Transfer is an incidental to service more so a condition of service. Post or place can never be claimed as a matter of choice by a public servant. In the event of interference by the Courts in the matters of transfer, the authorities will not be in a position to run the public administration in a peaceful manner. Courts would not interfere with the routine administration of the Department. Transfer being an incidental to service, it is for the authorities to consider various aspects and take a decision in view of the interest of public.

7. In view of the facts and circumstances, this Court is of the opinion that the petitioner has not established any acceptable ground for the purpose of interfering with the administrative order of transfer and the writ petition is liable to be dismissed.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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Pudukkottai Electricity Distribution Circle,
Pudukkottai District.

3. The Superintending Engineer,
TANGEDCO,
Trichy Electricity Distribution Circle/Metro,
Trichy District.

+1 CC to M/s.B.SARAVANAN (AJMAL ASSOCIATES), Advocate (SR-22881[F]
dated 29/04/2022)

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SP (CO)
GC (23.05.2022) 3P 5C