



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:26.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD)No.8137 of 2022**

**and WMP (MD) No.6064 of 2022**

WEB COPY

T.Krishnakumar

... Petitioner

Vs.

1.The Director of Agriculture  
Chepauk, Chennai.

2.The Joint Director of Agriculture  
Trichy District, Trichy.

3.The Joint Director of Agriculture,  
Namakkal District, Namakkal.

4.The Joint Director of Agriculture  
Thiruvarur District, Thiruvarur.

5.The Assistant Director of Agriculture  
Manachanallur, Trichy District.

6.The Assistant Director of Agriculture  
Thuraiyur  
Trichy District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent's impugned order in Ka.Ba.Ni.1/66702/2021 dated 27.09.2021 and consequential order of the 4<sup>th</sup> respondent in A3/8105/2021 dated 30.09.2021 and consequential order of the 2<sup>nd</sup> respondent in Chae.Mu.Order No.A5/7035/2020 dated 07.10.2021 and quash the same as devoid of merits and consequentially directing the respondents to relieve the petitioner from the charges and to recall the transfer orders in Ka.Ba.Ni.1/66702/2021 dated 27.09.2021, Consequential orders in A3/8105/2021 dated 30.09.2021 and Chae.Mu.Order No.A5/7035/2020 dated 07.10.2021 and to give increment and promotion as per the service rules and to permit the petitioner to work smoothly without any hurdles and help him to live peacefully by considering his representation dated 09.04.2022 within the period as stipulated by this Court.

For Petitioner

: Mr.A.Haja Mohideen

For Respondents

: Mr.N.Satheeshkumar

Additional Government Pleader



**ORDER**

The order of transfer transferring the writ petitioner from Thuraiyur Trichy District to Thiruvarur is under challenge in the present writ petition.

2.The petitioner is working as Assistant Agricultural Officer at Thuraiyur Taluk, Trichy District. The learned counsel for the petitioner made a submission that departmental disciplinary proceedings were initiated by framing charges against the writ petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. When the departmental disciplinary proceedings are pending, the impugned order of transfer has been passed. Therefore, the order of transfer is liable to be set aside.

3. The order of transfer indicates that the petitioner is transferred on administrative grounds. Even pendency of the disciplinary proceedings may also be on administrative reason. Transferring an employee from one place to another place is prerogative of the authorities to form an opinion regarding continuing an employee in a particular place and post.

4. Transfer is an incidental to service, more so, a condition of service. The place or post can never be claimed as a matter of right by the employees. An order of transfer can be challenged only on limited grounds, if it is tainted with the allegations of mala fide or issued by an incompetent authority and not otherwise. Therefore, an administrative transfer cannot be interfered with by the high Court in a routine manner. High Court cannot interfere with the routine administration of the Government department and in the event of such interference, undoubtedly the same would cause inconvenience and hindrance for the peaceful functioning of the administration and further the competent authorities may not be in a position to have effective administration of staff, their subordinates for the purpose of performing the public duties in the manner contemplated. All such inconveniences are also to be considered by the high Court. It is not as if the high Court can sit as a transferring authority by exercising the powers of judicial review under Article 226 of the Constitution of India.

5. The power of judicial review under Article 226 of the Constitution of India is to ensure the process through which a decision is taken by the competent authority in consonance with the statute and rules or not, but not the decision itself. Therefore, the scope of judicial review cannot be expanded by interfering with such transfer issued by the competent authority for the purpose of effective public administration. Thus, the constitutional Courts have consistently held that scope of interference in administrative transfers are limited only to the extent if it is issued with mala



fide intention or by an incompetent authorities.

6. In the present case, pendency of the disciplinary proceedings is not a bar for the competent authority to issue administrative transfer orders. Various such administrative reasons cannot be extensively placed by such authorities. Forming an opinion by the competent authority is sufficient for the purpose of issuing administrative transfers. Transfer would not cause infringement of service rights of an employee. Transfer being condition of service can never be claimed as an absolute right. Section 48 of the Tamil Nadu Conditions of Service Act contemplates that the authorities competent are empowered to issue transfer and postings. Thus, such exercise cannot be interfered with in a routine manner and therefore, this Court is of the considered opinion that there is no infirmity or perversity in respect of the administrative transfer issued in the case of the writ petitioner. If at all the petitioner is having any other personal grievance or otherwise, it is for him to approach the authorities in the manner known to law.

7. The writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

- 1.The Director of Agriculture  
Chepauk, Chennai.
- 2.The Joint Director of Agriculture  
Trichy District,Trichy.
- 3.The Joint Director of Agriculture,  
Namakkal District,Namakkal.
- 4.The Joint Director of Agriculture  
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Thuraiyur,Trichy District.

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**26.04.2022**