



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.15393 of 2020

A.Tamilselvi

:Petitioner

.vs.

- 1.The Principal Secretary to Government,
Environment and Forest Department,
Secretariat, St. Fort George,
Chennai-600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Maaligai,
Saidapet,
Chennai-15.
- 3.The Chairman,
Tamil Nadu Forest Uniform Service,
Recruitment Committee,
Panagal Maaligai,
Saidapet,
Chennai-15

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in Letter No.7626/Forest-2(i)/2019-4 dated 22.07.2020 on the file of the 1st respondent and quash the same and consequently direct the respondents to consider the petitioner under BCWT category for the post of Forester and allot to Forest Department with all service benefit on par with persons selected to Forest Department.

For Petitioner
For Respondents

:Mr.S.Kumar
:Mr.M.Ramesh
Government Advocate

O R D E R

The order of rejection dated 22.07.2020 rejecting the request of the writ petitioner to transfer the petitioner from Tamil Nadu Forest Plantation Corporation Department to Tamil Nadu Forest Department, is under challenge in the present writ petition.



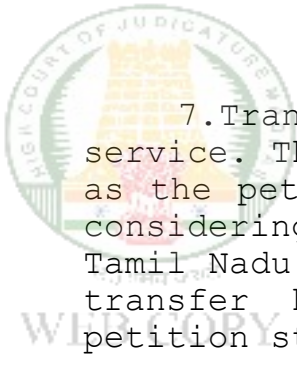
2.The petitioner participated in the process of selection and applied for the post of Forester. The petitioner states that she opted for Forest Department and she was successfully in the written examination and provisionally selected to the post of Forester in Tamil Nadu Forest Plantation Corporation Ltd., under the category of GTWT(General Turn Women Tamil Medium). The petitioner was directed to attend the office of the Tamil Nadu Forest Plantation Corporation Ltd., Trichy, on 07.06.2017 along with required documents and she attended the same. Further, she was directed to join duty at Manippallam Section of Alangudi Range. The petitioner joined duty on 12.06.2017. Since the petitioner was in advanced stage of pregnancy, she went on maternity leave from 07.07.2017 to 09.04.2018 and she was transferred to Karaikudi on her own request and as of now she is working there.

3.The learned counsel for the petitioner made a submission that the petitioner in her application submitted at the time of recruitment an option for Forest Department. It is pertinent to note that Tamil Nadu Forest Plantation Corporation Ltd., is also falling under the Forest Department of the Government of Tamil Nadu. However, Tamil Nadu Forest Plantation Corporation Ltd., being a Corporation, transfer to the Forest Department, is not provided under the Rules. The Corporation being a separate establishment governed by a set of rules transfer from Tamil Nadu Forest Plantation Corporation Limited to the Forest Department is not allowed and thus, the petitioner's request was rejected.

4.This Court is of the considered opinion that the petitioner was appointed into the public servant in the year 2018, soon after her appointment, she went on maternity leave. Thereafter, she joined in the year 2019 and she has also worked about two years in the Forest Plantation Corporation. Now coming out with the writ petition by stating that she should be transferred to Forest Department.

5.Post or department cannot be claimed as a matter of choice of an employee. Once, the petitioner was appointed in Tamil Nadu Forest Plantation Corporation Ltd., she has to work in a place where she is posted and a representation for transfer may be submitted to the competent authority for consideration. However, the High Court cannot issue any direction to transfer the writ petitioner from Tamil Nadu Forest Plantation Corporation Ltd., to the Forest Department.

6.The learned Government Advocate appearing for the respondents made a submission that there is no rules to grant such transfer and therefore, the case of the writ petitioner cannot be considered. The impugned order also speaks about the reasons for not considering the representation. In the absence of any rules in force, the transfer of the petitioner cannot be considered.



7.Transfer is an incidental to service, moreso a condition of service. The petitioner cannot claim transfer to another department, as the petitioner has not established any right for the purpose of considering the relief. Further, the petitioner was appointed in Tamil Nadu Forest Planation Corporation and there is no provision to transfer her to the Forest Department. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary to Government,
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Saidapet,
Chennai-15

+1 CC to M/s.S.KUMAR, Advocate (SR-14100[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14295[F] dated 24/03/2022)

W.P(MD)No.15393 of 2020

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MGJ(05.04.2022) 3P 6C