



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16212 of 2021

and

W.M.P(MD) Nos.13055 and 13057 of 2021

WEB COPY

P.Kumar
Sanitary Worker,
Genguvarpatti Town Panchayat,
Genguvarpatti,
Theni District.

... Petitioner

-vs-

1. The District Collector,
Theni District.

2. The Assistant Director of Town Panchayats,
Theni District.

3. The Executive Officer,
Genguvarpatti Town Panchayat,
Genguvarpatti,
Theni District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order of 1st Respondent in Na.Ka.No.2293/2021/Peru2 dated 27-08-2021 and the impugned relieving order of 3rd respondent in Na.Ka.No.122/2021 dated 27-08-2021 served on 02-09-2021 quash the same and consequently direct the respondents herein to restore service of petitioner in the 3rd respondent Town Panchayat.

For Petitioner	: Mr.K.Appadurai
For Respondents	: Mr.N.Satheesh Kumar
	Additional Government Pleader

O R D E R

The order of transfer dated 27.08.2021 reveals that the petitioner, who is working as a Sanitary worker, has been transferred from Genguvarpatti Town Panchayat to Andipatty Town Panchayat.



2.The learned counsel for the petitioner made a submission that the impugned order of transfer has been issued on account of political reasons and based on the complaint given by a representative of the political party.

3.This court is of the considered opinion that even complaint from the public in general or otherwise is also considered for issuing administrative transfers. If the employees are not working at an expected level or causing certain inconvenience to the people of that locality and if the complaints are received by the authority, then also administrative transfers can be issued in the interest of public administration. All the public authorities are bound to work to the expectation of the people with devotion to duty. In the event of any complaint and in lieu of suspension, transfer order can be issued as transfer is an incidental to service more so a condition of service.

4.Transfer per se would not provide any cause for filing a writ petition. Transfer orders can be challenged on limited grounds, if the order is tainted with *mala fide* or issued by an incompetent authority. Therefore, the complaints are also a ground for transfer on administrative grounds and such administrative transfers are issued to run the public administration in a smooth manner by the authority. The High court is not expected to interfere with the day to day administration of the Government Department. The authorities competent are the best person to decide the post and the person to be posted in a particular post and place. Thus, the scope of interference and exercise of power of judicial review against an order of administrative transfer are limited under Article 226 of the Constitution of India. Thus the ground raised by the writ petitioner that on account of certain political complaint the petitioner was transferred, deserves no consideration as the Court cannot conduct any such enquiry in respect of such allegations and instead of causing inconvenience to the people. The petitioner was transferred to nearby place which is not far away. Therefore, the order of transfer would not affect the normal life of the petitioner.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1. The District Collector,
Theni District.
2. The Assistant Director of Town Panchayats,
Theni District.
3. The Executive Officer,
Genguvarpatti Town Panchayat,
Genguvarpatti, Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-13428[F] dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-13502[F] dated 22/03/2022)

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and

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