



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.19026 of 2019

and

W.M.P.(MD) Nos.15327 & 15328 of 2019

A.Santhanam

... Petitioner

Vs.

1.The Executive Engineer,
Distribution,
TANGEDCO,
Chinnamanur, Theni District.

2.Thiru P.Sonaimuthu,
Foreman Grade-I,
Markayankottai,
Chinnamanur Division,
Theni Division.

... Respondents

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 the 1st respondent in கு.ஆ.எண்.916/செ.பொ./ப/சின்/உ.நி.அ/நிமி/நஉ1/கோ.நி.மா/19 dated 16.08.2019 served on 22.08.2019 and quash the same.

For Petitioner : Mr.C.CHRISTOPHER, Advocate
for Mr.K.APPADURAI, Advocate

For R1 : Mr.S.ARIVALAGAN, Advocate

ORDER

The order of transfer issued by the 1st respondent in proceedings dated 16.08.2019, transferring the writ petitioner from Chinnamanur to Surulipatti, is under challenge in the present writ petition.

2.The petitioner is working as Foreman Grade-I and he was transferred from Chinnamanur to Surulipatti on certain administrative grounds.

3.Learned counsel for the 1st respondent brought to the notice of this Court that several complaints were received against the

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petitioner and therefore, the petitioner was transferred to a near by place on administrative ground. The distance between Chinnamanur and Surulipatti is hardly 20 km and therefore, the order of transfer impugned would not affect the normal life of the petitioner.

4. Transfer is an incidental to service more so a condition of service. An order of service cannot be interfered with, if passed on administrative grounds. An order of transfer can be interfered by the Courts only on certain limited grounds, if such orders are passed without any jurisdiction or an allegation of mala fides are raised. Even in case of raising of mala fides, the authority against whom such an allegation raised, must be impleaded as party respondent in the writ proceedings. In all other circumstances, the public servants are expected to serve for the benefit of the public at large and transfer, being incidental to service, cannot be interfered with in a routine manner. No public servant can claim and unclaim a particular place or post as a matter of choice. Administrative decisions are taken on various factors. The competent authorities are bound to take decision in a judicious manner taking into consideration the interest of administration and the public interest. These being the principles to be followed, the writ petitioner was transferred on administrative grounds and further, the distance between the places is only 20 kms. These being the factum, the petitioner has not established any acceptable ground for the purpose of considering the relief and accordingly, the Writ Petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Executive Engineer,
Distribution, TANGEDCO,
Chinnamanur, Theni District.

+1 cc to M/S.S.ARIVALAGAN, Advocate, SR.No.5157

+1 cc to M/S.K.APPADURAI, Advocate, SR.No.4835

W.P. (MD) No.19026 of 2019

Date:07.02.2022

SA (23.02.2022) 2P 4c