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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2022

CORAM:

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

W.P. (MD)No.19659 of 2021

and WMP(MD) Nos.16330 and 16336 of 2021

T.Subbiah

... Petitioner

Vs.

1.The Regional Director of
Municipal Administration,
Thirunelveli.

2.The Commissioner,
Ambasamudram Municipality
Ambasamudram
Tirunelveli District.

3.The Commissioner
Koilpatti Municipality
Koilpatti
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to 1st respondent in his proceedings Na.Ka.No.2868/2021/A2 dated 22.10.2021 and quash the same.

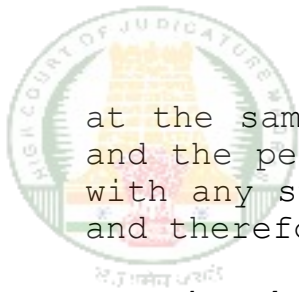
For Petitioner	: Mr.P.T.S.Narendravasan
For Respondents	: Mr.D.S.Nedunchezian
	Government Advocate for R1
	Mr.M.Rajarajan for R2

ORDER

An order of administrative transfer transferring the writ petitioner from Ambasamudram Municipality to Koilpatti Municipality is under challenge in the present writ petition.

2.The petitioner is working as Revenue Assistant. He was transferred from Ambasamudram to Koilpatti on administrative reasons.

3.The learned counsel for the petitioner made a submission that certain allegations are raised against the petitioner and an enquiry was conducted and finally the charges against the petitioner were not proved. Therefore, the petitioner must be allowed to continue



at the same place at Ambasamudram. When the enquiry was conducted and the petitioner is able to establish that he is no way connected with any such allegations, thus the order of transfer is bad in law and therefore, it is liable to be set aside.

4. The learned counsel appearing on behalf of the respondent Municipality made a submission that the order of transfer was issued by the Regional Director of Municipal Administration, Tirunelveli mainly on administrative reasons. It is further contended that the petitioner is working as Revenue Assistant at Ambasamudram Municipality for about 14 years continuously. This created lot of legal issues in Ambasamudram and several allegations are raised against the writ petitioner. Under those circumstances, the petitioner was transferred from Ambasamudram to Koilpatti. The Regional Director of Municipal Administration is exercising control over both the municipalities and therefore, he is competent to issue administrative transfers.

5. An order of transfer may be issued in lieu of suspension in some occasions to avoid inconvenience to the public administration. If frequent complaints are received against an employee that is also a valid administrative transfer to transfer an employee from one place to another place. On some occasions, there may not be sufficient materials on record to establish the charges. In those circumstances, the authorities prefer to transfer in order to avoid all further complications and inconveniences to the public administration and such administrative transfers are well within their powers and there is no infirmity.

6. 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.

7. This apart, the petitioner was working at Ambasamudram Municipality for about 14 years continuously and therefore, this Court do not find any acceptable reasons for the purpose of



the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

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/ /2022
Sub Assistant Registrar(CS)

RR

To

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2.The Commissioner,
Ambasamudram Municipality
Ambasamudram
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3.The Commissioner
Koilpatti Municipality
Koilpatti
Tuticorin District.

+1 CC to M/s.N. RAJARAJAN, Advocate (SR-22419[F] dated 29/04/2022)

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-22576[F] dated
29/04/2022)

+1 CC to M/s.SPL. GP (SR-23062[F] dated 29/04/2022)

W.P. (MD)No.19659 of 2021
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MGJ(26.05.2022) 3P 7C