



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21289 of 2019

and

W.M.P. (MD) Nos.17949 & 17951 of 2019

WEB COPY

B.Sasikala

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti Sub-Division,
Usilampatti, Madurai District.

3.The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.

4.The Revenue Inspector,
T.Kallupatti, Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order Na.Ka.No.3793/2019/Pa.Aa.1 dated 29.08.2019 on the file of the 3rd respondent and quash the same and consequently order to retain as Village Administrative Officer at T.Kallupatti Village, Madurai District.

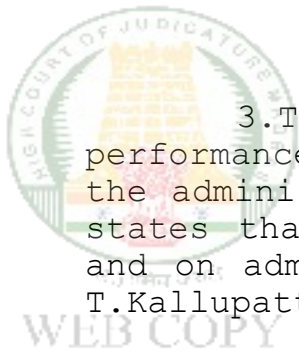
For Petitioner : Mr.M.Kubendran, Advocate
(change of vakalat not filed)

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

O R D E R

The order of transfer dated 29.08.2018, transferring the writ petitioner from T.Kallupatti to Chembani is under challenge in the present writ petition.

2.The petitioner is working as a Village Administrative Officer at T.Kallupatti, Peraiyur Taluk, Madurai District. The petitioner states that she has performed certain duties by stopping the sand laden tractor and on account of that, she was transferred.



3.This Court is of the considered opinion that such performance of duties cannot be considered as ground for assailing the administrative transfer orders. The order of transfer impugned states that as per the recommendations of the Tahsildar, Peraiyur and on administrative grounds, the petitioner was transferred from T.Kallupatti to Chembani.

4.Transfer is an incidental to service more so a condition of service. Courts will not interfere in the routine administration and the day-to-day affairs. The authorities competent are the best persons to effect transfers for the purpose of efficient public administration. Thus, any unnecessary interference by the Courts would cause hindrance to the smooth functioning of the administration. Post or place can never be claimed as a matter of choice by a public servant. Thus, a writ petition against the order of transfer may be entertained only if the order of transfer was issued by an incompetent authority having no jurisdiction or an allegation of mala fides is raised. In such an event, the authority against whom an allegation of mala fides is raised, he must be impleaded as a party respondent in his personal capacity. In this case, the learned Special Government Pleader brought to the notice of this Court that the writ petition was filed in the year 2019 and by virtue of the interim order, she was working till 25.01.2021 and thereafter, routine administrative transfers are issued and the petitioner has not joined in any place as of now.

5.Therefore, whether the petitioner is in unauthorised absent or not is to be verified by the authority. If the petitioner continues to be in unauthorised absent, then appropriate disciplinary proceedings are to be initiated. As far as the present transfer order is concerned, the petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition.

6.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

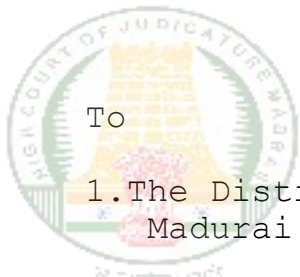
Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)



To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti Sub-Division,
Usilampatti, Madurai District.

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+1 CC to Special Government Pleader (SR-5356 Dated 10.02.2022)

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RS (18.02.2022) 3P-6C