



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD) .No.22254 of 2021

and

W.M.P(MD)No.18786 of 2021

WEB COPY

S.Rani

... Petitioner

Vs.

1.The Commissioner,  
Adi-Dravidar Welfare Department,  
Chepauk,  
Chennai-600 005.

2.The District Adi-Dravidar &  
Tribal Welfare Department,  
Kanniyakumari District,  
Kanniyakumari.

3.The Special Tahsildar (ADW)  
Nagercoil,  
Kanniyakumari District.

4.Mrs.Chandrakala

. ... Respondents

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 2<sup>nd</sup> respondent in connection with the impugned order of transfer passed by him in his proceedings in Na.Ka.No.J1/4965/2021 dated 06.12.2021 and consequential relieving order passed by the 3<sup>rd</sup> respondent in his proceedings in Na.Ka.No.A2/361/2021 dated 08.12.2021 and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.K.Gurunathan  
For R1 to R3 : Mr.D.S.Nedunchezian  
Government Advocate

**ORDER**

The order of transfer transferring the writ petitioner in proceeding dated 06.12.2021 from Nagercoil to Pechiparai within Kanniyakumari District is under challenge in the present writ petition.

2.The petitioner is working as a Cook in the Department of Adi-Dravidar Welfare. The petitioner is presently working at Nagercoil. Administrative transfers are effected in proceedings dated 06.12.2021 in respect of six employees including the writ



petitioner. The order impugned dated 06.12.2021 indicates that the order of transfer was issued on administrative grounds. The petitioner is transferred from Nagercoil to Pechiparai, in view of the fact that the person working at Pechiparai was transferred.

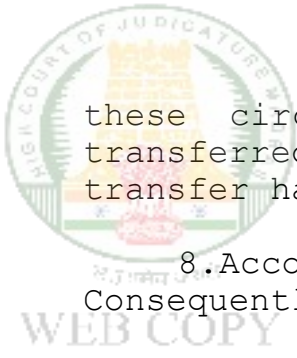
3.The learned counsel appearing for the petitioner relying on the Government Order passed in G.O.Ms.No.56, Adi-Dravidar and Tribal Welfare Department (ADW-1), dated 28.08.2017 contend that the Head of the Department alone is the competent to issue the transfer order. Therefore, the impugned order issued by the District Level Officer is liable to be set aside. This apart, the petitioner pleads that she is a widow and maintaining her mother, who is taking treatment for ailments.

4.Court cannot interfere with an order of administrative transfer on misplaced sympathy. In respect of personal grievance, the employees are always at liberty to approach the competent authority, but not the Court of Law. Court of Law has to consider the legal principles and the nature of transfer order passed by the competent authorities, cannot be carried away with the personal grievances of the employees and in the event of considering the transfer order on misplaced sympathy and the same would create bad precedent and many such similarly placed persons will approach the Court of Law on such grounds. Further, it cannot be possible for the High Court to ascertain the genuinity or truthfulness of such submission made in the affidavit filed by the petitioner. Mere affidavit in this regard, cannot be taken into consideration for assailing of an order of administrative transfer.

5.The High Court cannot interfere with the day to day administration of the Government Departments. The competent authorities are the person to decide the place and post, in which the employees are to be posted. Only on exceptional circumstances, if an order of transfer is passed without jurisdiction or an allegation of malafides are raised, then alone the High Court can consider the merits raised between the parties. In all other circumstances, the employees are bound to work wherever they are posted in the interest of public.

6.In the present case, the petitioner is transferred within the same district and it is not a far away place. Therefore, this Court is of the opinion that the grounds raised by the petitioner is insufficient to assail the order of transfer. The Government order relied on by the petitioner issued in G.O.Ms.No.56 or the guidelines which are all not related to exercise the powers in respect of transfer of the employee.

7.Transfer is an incidental to service. Moreso, a condition of service. This being the basic principles, the petitioner has to join in the place where she was transferred. By virtue of an interim order, the petitioner has not joined in the transferred place. In



these circumstances, the petitioner is bound to join in the transferred place in the interest of public as the impugned order of transfer has been issued on administrative grounds.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

1. The Commissioner,  
Adi-Dravidar Welfare Department,  
Chepauk,  
Chennai-600 005.

2. The District Adi-Dravidar & Tribal Welfare Department,  
Kanniyakumari District,  
Kanniyakumari.

3. The Special Tahsildar (ADW)  
Nagercoil,  
Kanniyakumari District.

+1 CC to M/s.K.GURUNATHAN, Advocate ( SR-6389[F] dated 16/02/2022 )

+1 CC to M/s.SPL GP ( SR-6510[F] dated 16/02/2022 )

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**and**

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**15.02.2022**

**PK (CO)**

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