



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22433 of 2019

and

W.M.P. (MD) Nos.19219 & 19220 of 2019

WEB COPY

D.S.Rathika

... Petitioner

vs.

1.Director of Public Health and Preventive Medicine
Office of the Director of Public Health and Preventive Medicine
Chennai-600 006

2.The Workshop Superintendent
Regional Workshop (Health)
Office of the Workshop Superintendent
Tiruchirappalli

3.Government Primary Health Centre
Rep.by its Deputy Director of Health Services
Pullambadi, Trichirapally Health Unit District
Trichirapalli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records from the first respondent relating to proceedings dated 14.09.2019 bearing reference No.R.No.53356/E4/S1/2019 read with the proceedings of the second respondent dated 17.10.2019 bearing reference No.Na.Ka.No.1927/E/2019 and quash the same as illegal, arbitrary, without jurisdiction and to consequently direct the respondents to continue the petitioner in the office of the second respondent with all service benefits.

For Petitioner : Mr.D.Sivaraman
For Respondents : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The order of transfer, dated 14.09.2019, issued by the first respondent, is under challenge in this writ petition.

2. The petitioner was holding the post of Office Superintendent and she was transferred from the office of Workshop Superintendent, Regional Workshop (Health), Trichy to the Government Primary Health Centre, Pullambadi, Trichirapalli Health Unit

<https://hdservices.eco.rts.gov.in/hdservices/>



District. The petitioner was transferred within the District and the dispute arose in view of the fact that the respondents have not implemented the order of interim stay granted in the writ petition.

3. The learned counsel for the petitioner states that the petitioner was waiting to submit her joining report and receive posting orders. However, since the respondents refused, she sent the same to the Authorities through registered post.

4. In spite of the interim order granted by the High Court, the petitioner was not allowed to join duty and thereafter, the petitioner filed a contempt petition and pursuant to the filing of contempt petition, the petitioner was allowed to join duty and was working.

5. This Court is of the considered opinion that in all transfer cases, such sort of irregularities are happening both at the instance of the public servants and the Authorities Competent. Once an administrative transfer order is issued, the public servant is refusing to receive the relieving order and approaching the High Court and if at all interim order is granted, the Authority says that relieving order has already been passed, but the employee refused to receive the same and this resulted in filing of contempt petition unnecessarily and this Court is of the opinion that transfer itself is incidental to service and the employees, even in such circumstances, are expected to join in the transferred place without prejudice to the pending case and agitate his / her rights in the Court of law. Contrarily, interpretation this way or that way would cause unnecessary litigation and unnecessary harm to the service conditions of the employees.

6. Therefore, this Court is of the considered opinion that wherever the employees have decided to challenge the order of transfer and the Courts granted interim order and if the Authority Competent already passed a relieving order, then the employees, without prejudice to the rights in the pending writ petition, may join in the transferred place and agitate their rights before the Court of law. Contrarily, the employees cannot pick up quarrel with the Authority concerned for the purpose of joining in the same place. These kinds of issues are unnecessarily causing prejudice to the employees as well as the employers. Administrative transfers are issued based on various considerations. Administrative transfers are the prerogative of the Department. Employees have no right to claim a particular post or place and bound to work wherever they are posted in the interest of public administration. An order of transfer may be challenged only on limited grounds. Thus, transfer *per se* would not prove any cause for filing a writ petition as transfers are incidental to service, more so a condition. Thus, this Court is of the considered opinion that the petitioner has been transferred within the same district, more particularly, to a nearby



place. However, the petitioner has chosen to challenge the administrative transfer order and in view of interim stay granted, further conflicts arose, which resulted in filing of a contempt petition. The fact remains that the petitioner was permitted to join in the place at Regional Workshop (Health), Trichy, which is the original place and she is continuing there for more than three years. The impugned order of transfer was issued on 14.09.2019 and till date she is working in the same place at Trichirappalli. This being the factum, the petitioner cannot claim any further continuance in the same post as she is working as Office Superintendent, which is a responsible post and further served more than three years in the present Station. Thus, this Court is not inclined to interfere with the impugned order of transfer.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Director of Public Health and Preventive Medicine,
Office of the Director of Public Health and Preventive Medicine,
Chennai-600 006.
- 2.The Workshop Superintendent,
Regional Workshop (Health),
Office of the Workshop Superintendent,
Tiruchirappalli.
- 3.The Deputy Director of Health Services,
Government Primary Health Centre,
Pullambadi, Trichirapally Health Unit District,
Trichirapalli District.

+1. CC to M/S.SPL.GP SR.No.12188

+1. CC to M/S.D.SIVARAMAN, Advocate SR.No.11971

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