



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2022**

CORAM:

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

W.P.(MD)No.23235 of 2019

and

W.M.P.(MD)No.19956 of 2019 & 2368 of 2020

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N.Valliammal

...Petitioner

/Vs./

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Block Development Officer,
Village Panchayat,
Ottadapidaram Panchayat Union,
Ottadapidaram,
Tuticorin District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records passed by the second respondent in Thi.3/1580/2019 dated 22.10.2019 and quash the same in so far as petitioner is concerned and further direct the 2nd respondent to appoint the petitioner in the Pudur Pandiyapuram Village Panchayat or any other nearby village Panchayat in Ottapidaram Panchayat Union, Tuticorin District.

For Petitioner

: Mr.S.M.Anantha Murugan

For R1

: Mr.A.K.Manikkam

Special Government Pleader

ORDER

The impugned order of transfer dated 22.10.2019 transferring the writ petitioner from Pudur Pandiyapuram to Kalappaipatti is under challenge in the present writ petition. The petitioner is working as Panchayat Secretary and the impugned order states that the writ petitioner, N.Valliammal was transferred on administrative grounds.

2.No writ against administrative transfer is entertainable in a routine manner under Article 226 of the Constitution of India. The writ against an order of administrative transfer may be entertained, if the order was issued by an incompetent authority having no jurisdiction or an allegation of malafides is raised. Even in case of raising an allegation of malafides, the authority against whom such an allegation is raised must be impleaded as party respondent in personal capacity. In the absence of any one of such



reasons, no writ needs to be entertained against the order of administrative transfer.

3. Transfer is an incidental to service, more so, condition of service. A public servant cannot claim post or place as a matter of choice. The Government employees wherever posted have to work in the interest of public. Thus, administrative transfer issued in the interest of public administration cannot be interfered with by the High Court. High Court is not expected to interfere with the day-to-day administration of the Public Government Departments.

4. In the event of such interference, the competent authority may not be in a position to run the administration in a peaceful manner. It is the administrative prerogative of the competent authority to take a decision in a fair and reasonable manner. Such administrative decision, unless illegal need not be interfered with by the High Court.

5. The petitioner may raise allegations or complaints. The administrative transfers cannot be linked with such allegations or complaints. Those complaints or allegations have to be enquired into separately and by citing some vague reasons, the administrative transfers cannot be challenged. This apart, the impugned order of transfer has been issued in proceedings dated 22.10.2019 and by virtue of an interim stay granted, the petitioner is continuing in the same station for more than 2 ½ years.

6. The learned Special Government Pleader appearing for the first respondent made a submission that the distance between Kalappaipatti and Pudur Pandiyapuramis is only about 15 kms.

7. This being the factum, the petitioner is not entitled for any relief, in respect of all other allegations raised by the petitioner. The competent authority is empowered to conduct enquiry and take appropriate decision.

8. In view of this matter, the writ petitioner has not established any acceptable grounds for the purpose of interfering with the order of an administrative transfer. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tuticorin District,
Tuticorin.

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+1 CC to M/s.SPL.GP (SR-5717[F] dated 11/02/2022)

W.P. (MD) No.23235 of 2019

10.02.2022

RD(25.02.2022) 3P 3C