



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.04.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.22938 of 2021
W.M.P(MD).Nos.19418 and 19420 of 2021

T.Ravi Kumar

... Petitioner

Vs

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

2.District Adi-Dravidar and Tribunal Welfare Officer,
District Adi-Dravidar and Tribunal Welfare Department,
Tirunelveli District,
Tirunelveli.

...Respondents

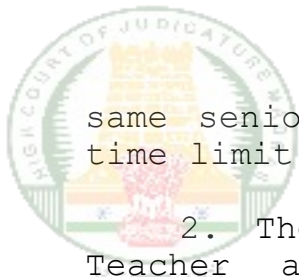
Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's case for transferring to Tenkasi District in view of the option submitted by him after bifurcation of District based on the proposal sent by the 2nd respondent in his proceedings in Na.Ka.No.A3/45161/2019 dated 08.01.2020 and thereby fix the petitioner's date of joining in Tenkasi District with the same seniority as existed in the integrated District within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

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

O R D E R

The relief sought for in the present writ petition is to consider the petitioner's case for transferring him to Tenkasi District in view of option submitted by him after bifurcation of District based on the proposal sent by the second respondent in his proceedings in Na.Ka.No.A3/45161/2019 dated 08.01.2020 and thereby fix the petitioner's date of joining in Tenkasi District with the



same seniority as existed in the integrated District within the time limit that may be stipulated by this Court.

2. The petitioner states that he joined as Secondary Grade Teacher and he was transferred to Tirunelveli District on 26.05.1998. He was promoted to the post of B.T.Assistant on 11.05.2012 with effect from 27.02.2009 and now, he is discharging his duties as Graduate Warden in Government ADW Boys Hostel, Cheranmahadevi.

3. Tenkasi District was bifurcated from Tirunelveli District vide G.O.Ms.No.426, Revenue and Disaster Management Department, Revenue Administration Wing (RA 1(1) Section) dated 12.11.2019. Presently, the petitioner is working in Tirunelveli District. Steps are taken to transfer the employees to the bifurcated district namely Tenkasi District. The grievance of the petitioner is that a proposal has been sent by the second respondent on 08.01.2020 and as per the said proposal, the petitioner has to be transferred to Tenkasi District.

4. This Court is of the considered opinion that place or post can never be claimed as a matter of choice. In the present case, it remains only as proposal as per the petitioner. Mere sending of proposal by the second respondent would not confer any right to transfer as a matter of choice. Transfer is an incidental to service, more so, a condition of service. Merely transferring an employee from one place to another place would not violate the service conditions. Therefore, transfer can never be claimed as absolute right. Transfers are made on numerous circumstances, more specifically, due to administrative exigencies, administrative reasons or otherwise. The employees are transferred for better administration by the Competent Authority. Therefore, sending a proposal would not confer any right.

5. The learned counsel appearing for the petitioner made a submission that the seniority of the petitioner is going to be affected, in the event of not considering the proposal.

6. Such future event would not be a cause for moving the present writ petition. If at all the service conditions are violated in the event of passing any such order, a cause would arise to move the writ petition by the petitioner. Thus, the writ petition is premature. Adverse consequences if at all presumed by the petitioner need not be considered in advance as the Authorities have not taken any final decision in this regard. If any order violating the service conditions of the petitioner is passed, then only, a writ would lie but not otherwise. This being the principles to be followed, the petitioner has not established any cause for the purpose of entertaining the writ petition.



7. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

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/ /2022

Sub Assistant Registrar(CS)

To

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

2. District Adi-Dravidar and Tribunal Welfare Officer,
District Adi-Dravidar and Tribunal Welfare Department,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.K. GURUNATHAN, Advocate (SR-21544[F] dated
27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21300[F] dated 26/04/2022)

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SA(12.05.2022) 3P 5C