



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
28.07.2023	08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.6625 of 2023 &
W.M.P.Nos.6687, 6689 & 7849 of 2023
and
Cont.P.No.822 of 2023

W.P.No.6625 of 2023

S. Raja Rekha

W/o P. Sivakumar

Presently working as Assistant Engineer (Civil)

Madras Veterinary College Hostel

Vepery, Chennai 600007.

...

Petitioner

versus

1. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madavaram Milk Colony,
Chennai 600051.
2. Dean
Madras Veterinary College,
Vepery, Chennai 600007
3. The Estate Officer i/c.
Tamil Nadu Veterinary and Animal Sciences University,



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

Madhavaram Milk Colony,
Chennai 600051.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st Respondent in USO.No.20819/A2/2022 No.04/A2/2023 dated 17.02.2023 and also the impugned order in No.1294/Estt./B2/MVC/2023 dated 20.02.2023 passed by the 2nd Respondent and quash the same and consequently direct the respondents to allow the petitioner to continue the work in the same place.

Cont.P.No.822 of 2023

S. Raja Rekha

W/o P. Sivakumar

Presently working as Assistant Engineer (Civil)

Madras Veterinary College Hostel

Tamil Nadu Veterinary and

Animal Sciences University

Chennai 600007.

... Petitioner/Petitioner/Petitioner

versus

Dr.R. Karunakaran

Dean

Madras University college

Vepery, Chennai -600007 ... Respondent/2nd Respondent/2nd Respondent

PRAYER: The Contempt Petition is filed under Section 11 of the Contempt of Courts Act to punish the Respondent for committing Contempt of the Order of this Court dated 03.03.2023 made in WMP No.6689 of 2023 in W.P.No.6625 of 2023.



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W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

For Petitioner : Mrs. Narmadha Sampath
[in both cases]

For Respondents : Mr.S. Vijayakumar
[in both cases] Senior Counsel for
Mr. C.K.Chandrasekar
[for R1 to R3]

COMMON ORDER

The writ Petition has been filed challenging the Order of Transfer dated 17.02.2023.

2.(a) The case of the Writ Petitioner is that she was appointed as Assistant Engineer in Tamil Nadu Veterinary and Animal Sciences University (TANUVAS) on 14.06.2012. Moreover, in the years 2012-15 she was transferred to the College of Food and Dairy Technology, Koduvalli, Thiruvallur District. Thereafter, she was transferred to the Estate Office, University Campus TANUVAS, Madhavaram where she served for one year and was transferred to Madras Veterinary College, Vepery in the year 2016. Subsequently she took maternity leave for nine months in the year 2017 and she was in the Madras Veterinary College, Vepery until July 2019 and



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

presently working as Assistant Engineer (Civil), at Madras Veterinary College Hostel, Vepery, Chennai 600007. She has completed 10 years of unblemished service as Assistant Engineer (Civil) in TANUVAS. There were totally 6 Assistant Engineers were appointed including the petitioner to various colleges of TANUVAS in the State of Tamil Nadu. However, at present only 7 Assistant Engineers and 1 Junior Engineer working in Civil in TANUVAS.

2.(b) According to her past ten years she has been transferred nine times. On 29.07.2019 she had been transferred from Chennai to Namakkal for finding some irregularities. Therefore, she filed a Writ Petition No.22696 of 2019 before this Court and the same was disposed with a liberty to make representation before the respondent and directed the respondent that if any representation is made, pass appropriate orders in accordance with law. Therefore, she joined duty at Namakkal on 09.10.2020 and made a representation in the month of December 2020 to the 1st Respondent.



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

2.(c) Thereafter, she has been transferred to many times and subsequently posted to College of Food and Dairy Technology, Koduvalli, Thiruvallur in March 2020. She had addressed several letters dated 15.05.2020, 16.06.2020, 22.06.2020 and 02.07.2020 pointing out certain financial irregularities, discrepancies and double entries in the accounts. Thereafter, once again she was transferred to Theni and she has also filed another Writ Petition No.26709 of 2022.

2.(d) Thereafter, she was also issued a Charge Memo and an Enquiry Officer was also appointed. On 24.08.2022 the petitioner sent a letter to the Women Commission stating that the 3rd Respondent had gone back on the statement made before the Commission and had instead proceedings had been initiated against her and punishment of Censure had also passed against the petitioner on 21.9.2022. W.P.No.26709 of 2022 was also disposed of and thereafter, she continued to work in Madras Veterinary College Hostel, Chennai. But now, once again transferred to Theni. Hence, according to her the entire transfer order is punitive nature with malafide intention. Hence, she challenged the same by way of this Writ Petition.



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

3.(a) Counter has been filed. According to them, from the date of appointment on 08.06.2012 she had worked in Chennai region itself for about 9 years and 11 months and 11 days. She was appointed at Hosur and worked there for three months and nineteen days (from 14.06.2012 to 03.10.2012). Subsequently she worked at Namakkal for five months and three days (from 09.10.2019 to 12.03.2019). Thereafter the petitioner has been transferred out of Chennai region on 17.02.2023. It is contended that transfer is necessitated due to the establishment of three new Veterinary College and Research Institutes, which were established at Salem in 2019 and Theni and Udumalpet in 2020. Presently there are two batches of students undergoing B.V.Sc. & A.H. Professional degree courses in the above said three colleges. Civil works which are in progress require constant monitoring and the presence of the Engineer (Civil) is inevitable.

3.(b) The University has only 7 Assistant Engineers (Civil) including the petitioner. By virtue of the Order dated 17.02.2023 the petitioner was transferred to Theni, Mr.R. Ravichandrasn was transferred from Madras to



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

Udumalpet, Mr.G. Thirumaran was transferred from Namakkal to Hosur, Mr.P.Sundaravadivelu was transferred from Tirunelveli to Namakkal, Mr.R.Gopinath was transferred from Bargur to Tirunelveli and Mr.U.Dharanidharan, Junior Civil Engineer working in the Office of the Estate Officer has been posted to the Bio-Engineering Section in the Madras Veterinary College. Hence, all Assistant Engineers as well as Junior Engineers have been transferred due to the administrative requirement at Theni, Udumalpet, Salem where the new colleges are under the process of establishment. In addition to the above, civil works relating to pathway and drainage ETP, compound wall, approach road are to be done at the VCRI, Theni. The Government has allotted Rs.4.5 crores for construction of animal sheds at VCRI, Theni and the works have to be completed expeditiously.

3.(c) Earlier, the Petitioner was directed to go and monitor the work at Theni, twice a week. She had challenged the same in W.P.No.26709 of 2022, and as agreed before this Court, she was permitted to visit once a month, to monitor the ongoing civil works at VCRI, Theni and the same was



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

recorded in the order made in W.P.No.26709 of 2022 dated 10.11.2022. It is because of her monitoring and supervision of the on-going works at Theni, the impugned transfer order was issued in administrative interest and as an employee working in higher echelons of service she cannot compare herself with employees in lower ranks as the post of Assistant Engineer not only involves higher pay but also higher responsibilities.

3.(d) The allegation that she has been transferred multiple times denied, in fact, she has been out of Madras region only once prior to the impugned transferred. The chart submitted by the Petitioner is incorrect. The Petitioner cannot cite personal reasons to avoid urgent works and it is her duty to work wherever she is posted when the three new VCRI's are under the process of construction. Petitioner has filed a W.P.No.22696 of 2019 when she was transferred to Namakkal. She was permitted to make a representation by this Court, she joined the transferred place at Namakkal on 09.10.2019 and made a representation in December 2019. She was posted back to Madras Region on 12.03.2020. For better clarity, the petitioner's service details are given hereunder:



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

S. No.	Name and Designation	Date of Appointment	Place of Working	From	To	Period
1.	Er. S.Rajarekha Assistant Engineer (Civil)	8.6.2012	Hosur (initial posting)	14.6.2012	3.10.2012	3 Months-19days
			Koduveli	03.10.12	23.11.15	Chennai Region
			EO, Madhavaram Milk Colony BIO Eng	23.11.15	1.12.2016	7yrs-6days
			Namakkal	01.12.16	9.10.2019	
				09.10.19	12.3.2020	5 months-3 days
			Koduveli	12.03.20	27.10.20	Chennai Region
			Kattupakkam	27.10.20	05.1.2021	
			EO, Madhavaram Milk Colony	05.01.21	22.9.2021	2yrs-11 months-5 days
			Madras Veterinary College Hostel Theni	22.09.21 17.02.23	17.02.23 --	

3.(e) Hence, opposed the writ petition.

4. Contempt Petition No.822 of 2023 has been filed for disobeying the order of this Court dated 03.03.2023. This Court has issued statutory notice



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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and the Director has present. This Court is dispensed with the personal appearance of the Director and inclined to dispose of the writ petition.

5. It is the contention of the learned counsel for the petitioner that the petitioner has been transferred malafidely in order to accommodate somebody in her place. It is her contention that it is nothing but a punitive one and she has been transferred more than nine times in the previous occasions. Therefore, it is the contention that such an impugned order of transfer has to be set aside.

6.(a) Learned Senior Counsel appearing for the Respondents would contend that the entire allegation of the petitioner is not true. In her ten years service she has worked more than 9 years in the Chennai Region. Only once she was transferred out of Chennai Region that was also challenged before this Court in W.P.No.22696 of 2019 and this Court disposed the Writ Petition with a liberty to the petitioner to make a representation. Only on her representation she was once again posted to Chennai on 12.03.2020. Hence it is his contention that merely because



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

certain unfounded allegations are made the motive or malice cannot be inferred by the Court. Therefore, submit that the transfer has been made on the administrative reason to monitor and supervise the on-going Civil works at VCRI, Theni. The petitioner being a civil engineer all other engineers also transferred in one order. Therefore, no motive could be attributed. Hence the writ petition is not maintainable and the same is liable to be dismissed.

6.(b) It is the further contention of the learned Senior Counsel that the contempt does not arise at all. The transfer order itself clearly shows that she should be relieved from the present station on 20.02.2023. Whereas the writ petition has been filed and the Interim Order has been obtained on 03.03.2023. In the meanwhile the person already transferred along with the petitioner joined the post of the Petitioner. Such being the position the contempt also does not arise at all.

7. I have perused the entire materials. This Court earlier on the submissions of the learned counsel appearing for the petitioner, on seeing the affidavit that the petitioner has been transferred 5 times between



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

09.10.2019 and 17.02.2023 passed interim order on 03.03.2023. On perusal of the impugned transfer order, all the 7 Engineers working under the TANUVAS have been transferred to various places. The transfer is not confined to the petitioner alone. It is relevant to extract the Transfer order, which is as follows:

“PROCEEDINGS OF THE REGISTRAR
TAMIL NADU VETERINARY AND ANIMAL SCIENCES UNIVERSITY
MADHAVARAM MILK COLONY. CHENNAI-600 051

PRESENT: Dr.P.TENSINGH GNANARAJ., Ph.D.,
REGISTRAR

USO.No.20819/A2/2022

Dated: 17.02.2023

No.04/A2/2023

Sub: Establishment -TANUVAS - Non-teaching staff-
Transfer and postnge - Orders issued

The following transfer and postings are ordered to take immediate effect

ORDER:

Sl.No	<i>Name and Designation</i>	<i>Post and Place to which transferred</i>
1	Er.S.Rajarekha, Assistant Engineer (Civil) Madras Veterinary College Hostel, Madras Veterinary College, Chennai	Assistant Engineer (Civil). Office of the Dean, Veterinary College and Research Institute Then, in the existing vacancy.
2	Er..Ravichandran, Assistant Engineer (Civil). Bio- Engineering Section, Madras Veterinary College, Channal	Assistant Engineer (Civil). Office of the Dean Veterinary College and Research Institute, Udumalpet, In the existing vacancy.



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

3	One vacant post of Assistant Engineer (Civil) in the Bio-Engineering Section, Madras Veterinary College, Chennai is transferred to the office of the Dean, College of Poultry Production and Management, Hosur along with budget.	
4	Er.G.Thirumaran, Assistant Engineer (Civil), Dean's Office Veterinary College and Research Institute, Namakkal	Assistant Engineer (Civil) Dean's Office, College of Poultry Production and Management, Hosur in the existing vacancy.
5	Er.P.Sundaravadivelu, Assistant Engineer (Ch), Dean's Office, Veterinary College and Research Institute, Tirunelveli	Assistant Engineer (Civil). Dean's Office, Veterinary College and Research Institute, Namakkal vice Er.G.Thirumaran, Assistant Engineer (Civil), transferred
6	Er.R.Gopinath Assistant Engineer (Civil) Bargur Cattle Research Station Bargur	Assistant Engineer (Civil) Dean's Office, Veterinary College and Research Institute Tirunelveli vice Er.P.Sundaravadivel Assistant Engineer (Civil), transferred
7	Thiru U Dharanidharan Junior Engineer (Civil) Office of the Betare Office TANUVAS, MMC, Chennai.	Junior Engineer (Civil) against the vacant post of Junior Engineer (Mech) Dairy Plant Dept of Livestock Products Technology (Dairy Science) Madras Veterinary College, Chennai (However, he will work in the Bio- Engineering Section, MVC, Chennai)

They are eligible for TTA except Sr No.7

Finance Officer, TANVUAS requested to reallocate the budgetary provision in this regard.

The date of relief / joining of the above individuals may be intimated to this office promptly

REGISTRAR.”



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

8. The very affidavit of the Petitioner indicates that on the date of appointment i.e., on 14.06.2012 she was posted at Hosur and on 02.10.2012 she was transferred to Koduvelli, Tiruvallur, nearby district of Chennai, served for three years and one month. Thereafter, she was transferred Madhavaram Chennai and served for one year; and transferred to Vepery, Chennai in the year 2019 and served for 2 years and 8 month. Only from 09.10.2019 to 09.03.2020 she served at Namakkal transferred from Chennai. The same has been challenged before this Court in W.P.No.22696 of 2019. However, the above writ petition was disposed and the petition has sought further time extension to join duty, the same has been extended. Thereafter, she immediately gave a representation in the month of December 2019. It appears that based on her representation again she was transferred to Koduvelli, Chennai Region on 12.03.2020. From that date onwards she is continuously working in the Chennai Region for more than 2 years 11 months and 5 days and now she has been transferred to Theni. She being the Engineer she was also asked to go to Theni to monitor the works which



are under construction. Thereafter, as she disobeyed the same, a show cause notice has been issued. Not satisfying with that, she sent a complaint to the Women Commission, thereafter, the enquiry proceeded and she has also slapped with the imposition of punishment of Censure in previous occasion.

9. These facts clearly indicate that in her entire career the Petitioner has been some more or other managed more to work more than 9 years out of her ten years service in Chennai Region. Whenever she was deputed to go to the other place such action of the Respondents sought to be challenged one way or other by filing a Writ Petition before this Court and making serious allegations. The very transfer order makes it clear that all the 7 Engineers working in the University have been transferred to various places. Even at the affidavit of the Respondents makes it very clear that from the date of appointment in the first post she had worked only four months. Thereafter, she had been posted to Chennai Region. From 2012 to 2019 almost more than 7 years and 9 months she was in Chennai Region. Only at the first time when she was transferred to Namakkal on 09.10.2019 she



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

WEB COPY

worked there only upto 09.03.2020 based on the orders of this Court to give a representation, she gave a representation and again she had been transferred to Chennai Region on 10.03.2020. From that onwards she is working for more than 2 years and 11 months 5 days. Therefore, these facts clearly indicates that the petitioner some or other reasons managed to continue her work only in Chennai Region and she is not preferred to go outside the Chennai, when she was also deputed to monitor the work for certain period twice a week at Theni on earlier occasion, the same was also challenged before this Court. It is the specific case of the Respondents that construction work in various colleges were in progress, to monitor the work Engineers presence are required hence the transfers are necessitated. Merely because the petitioner has been transferred to the distant place, motive cannot be alleged. In every transfer at the drop of the act such motive cannot be attributed. If such writ petitions are entertained before the Court, there would be serious consequences in Administration. That will lead to administrative chaos. As the transfer is incident of Government service, one cannot contend the he/she should not be posted to any other place other than the place which is convenient to him/her.



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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10. On perusal of the entire affidavit and counter affidavit of the parties, this Court is of the view that the Petitioner some or other managed to retain her position in more than 9 years 11 months i.e., almost 10 years except for few months in Chennai. When the transfer is incident of service and condition of service, every transfer cannot be interfered merely on the basis of certain allegation raised by her. Such unfound allegations, bias and motive raised in the Writ Petition cannot be entertained in routine manner. How transfer to be made, who should be transferred and where should be transferred are the matter for the authority to decide. Merely because the place is somewhat distant one cannot avoid serving that place.

11. The Apex Court in ***Union of India and others vs. S.L. Abbas [(1993) 4 SCC 357]*** has held that an order of transfer is an incident of Government service. Fundamental Rule 11 says that “the whole time of a Government Servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority”.



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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12. In ***State of U.P. vs. Gobardhan Lal [(2004) 11 SCC 402]*** the Apex Court has held that the allegations of malafides must inspire confidence of the Court and ought not to be entertained on the mere asking of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference would ordinarily be made with the order of transfer. That the burden of proving malafides is on a person leveling such allegations and the burden is heavy, admits of no legal ambiguity. Mere assertion or bald statement is not enough to discharge the heavy burden that the law imposes upon the person leveling allegations of malafides; it must be supported by requisite materials.”

13. In ***Rajendra Singh and other v. State of Uttar Pradesh and others [(2009) 15 Supreme Court Cases 178]*** the Apex Court has laid down that a Government Servant has no vested right to remain posted at a place of his choice nor he can insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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Government can function if the Government Servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires.

14. In view of the above dictum and considering the affidavits of both sides makes it very clear that the petitioner in fact had made only an unfounded allegations to thwart the transfer and her intention can be gathered for the nature of the litigation filed previously one way or other to hold her position only in Chennai Region. A public servant like a petitioner has no vested right to insist that she should be appointed or posted in a particular place or position. If that type of allegation or conduct is allowed and encouraged by the Court of law as said by the Honourable Supreme Court, no department would function properly.

15. In such a view of the matter the **Writ Petition is liable to be dismissed and accordingly, it is dismissed.**

16. With regard to Contempt Petition, though interim order passed on 03.03.2023, it is relevant to note that the Transfer Order has been passed on 17.02.2023, wherein 7 Engineers have been transferred to various other places within the State of Tamil Nadu. In pursuant to the above transfer



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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order the proceedings also issued to the Petitioner on 20.02.2023 and the proceedings also make it clear that she is directed to relieve from her duties on the afternoon of 20.02.2023 to enable her to join at the place noted the proceedings of transfer. Thereafter the Petitioner filed a Writ Petition on 27.02.2023 after the order of the relieving has been passed and when the matter came up for admission on 03.03.2023 the interim stay has been granted. It is relevant to note that before the interim order has been passed, the petitioner has already directed to relieve from the post. In such a view of the matter, this Court is of the view that no contempt will arise in this matter. Accordingly, **Contempt Petition is closed.**

17. In the result, Writ Petition is Dismissed. Contempt Petition is Closed. Connected Writ Miscellaneous Petitions are also closed. No costs.

08.08.2023

Index : yes
Internet : yes
Neutral Citation : yes/no
ggs

copy to:

1. The Registrar,

20/22



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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Tamil Nadu Veterinary and Animal Sciences University,
Madavaram Milk Colony, Chennai 600051.

2. The Dean, Madras Veterinary College,
Vepery, Chennai 600007
3. The Estate Officer i/c. Tamil Nadu Veterinary and Animal Sciences
University, Madhavaram Milk Colony, Chennai 600051.

N.SATHISH KUMAR, J.,



WEB COPY



W.P.No.6625 of 2023 and W.M.P.Nos.6687, 6687, 6689 & 7849 of 2023
and Cont.P.No.822 of 2023

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W.P.No.19487 of 2023

08.08.2023