



WEB COPY



W.P.No.17572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.No.17572 of 2023 &
WMP.Nos.16679 & 19234 of 2023**

D.Senthil Kumar

... Petitioner

Vs

1. Agriculture Insurance Company of India Ltd.,
Represented by its General Manager,
Office Complex, Block No.1, 5th Floor,
East Kidwal Nagar, New Delhi – 110 023.

2. Agriculture Insurance Company of India Ltd.,
Represented by its Regional Manager,
Regional Office, Andhra Insurance Building,
Thambu Chetty Street, Chennai – 600 001.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India,
to issue a Writ of Certiorari by calling for the records relating to the
proceedings of impugned transfer Order dated 25.05.2023 of the first
respondent and quash the same.

For petitioner : Mr.M.Devaraj,



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for M.Ganesh

For respondents : Mr.S.Vijayakumar, Senior Counsel,
for Mr.A.V.Balusamy &
Mr.J.Melwin Jabaz – R1 & R2

ORDER

This Writ Petition has been filed to quash impugned proceedings of transfer Order dated 25.05.2023 of the first respondent.

2. The petitioner is an Administrative Officer in Agriculture Insurance Company India Ltd. and he has been working in Chennai from 2013 onwards. However, he has been transferred by the impugned Order to Ranchi. The transfer has been challenged on the ground that writ petitioner's wife is suffering from Pott's Spine [Spine affected with Tuberculosis] and she underwent a major critical surgery. Besides, he has also challenged the Order on the ground that his father is suffering from heart ailments and he has to take care of him. Hence, challenging the impugned proceedings, the present Writ Petition has been filed.

3. This Court has initially granted stay of the impugned Order.



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working in Chennai for more than 10 years. It is also seen that the petitioner has availed leave travelling allowance applicable to his wife during the relevant period. Be that as it may.

6. The petitioner has been transferred to Ranchi and despite several opportunities given to him, he has not joined in the transferred place. The petitioner having requested the respondents to extend time to join, despite extension has been granted by the respondents, the petitioner without joining in the new station, has filed this Writ Petition suppressing all these facts. In such view of the matter, I do not find any merits in this Writ Petition. Since transfer is incidental and service condition, the petitioner, being a Government servant, cannot stall the transfer on the ground of ill health of his family members. The stay already granted is also vacated.

7. At this stage, the learned counsel for the petitioner submitted that some time may be granted to the petitioner to join in the new place.

8. Accordingly, the stay already granted by this Court on



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14.06.2023 is vacated and this Writ Petition is dismissed. The petitioner shall join in the new place within a period of 10 days. No costs.

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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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N.SATHISH KUMAR, J.

VTC

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