



WP.No.13018/2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.13018/2017 & WMP.No.13893/2017

P.Elumalai

... Petitioner

Versus

1.The Chairman

Chennai Port Trust
Administrative Office
Rajaji Salai, Chennai 600 001.

2.The Financial Advisor & Chief Accounts

Officer, Chennai Port Trust, Administrative
Office, Rajaji Salai, Chennai 600 001.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the concerned records from the 2nd respondent, quash the order of the 2nd respondent dated 06.05.2017 bearing No.Estt[R]2/Transfer/2017/F as illegal, arbitrary and contrary to law insofar as transferring the petitioner from the Stock Verification Section to Pension Section and consequently direct the respondents to retain the petitioner in the Stock Verification Department in the post of Assistant Stock Verifier.



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For Petitioner : Ms.S.Kaavya for
Mr.Balan Haridas

For Respondents : Mr.P.Ulaganathan

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records of the 2nd respondent, Financial Advisor and Chief Accounts Officer, Chennai Port Trust dated 06.05.2017 and to quash the order, by which order, the petitioner was transferred from Stock Verification Section to the Pension Section and direct the respondents to retain the petitioner in the Stock Verification Department as Assistant Stock Verifier.
- (2) After hearing the learned counsel for the petitioner, it is very evident that the petitioner is discharging his duties not with any public interest in mind, but purely with self interest and taking his self interest alone into consideration.
- (3) I do not think he deserves to be employed any more in the respondent Department-Chennai Port Trust. If he is not satisfied with the



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working conditions, he may very well resign and walk away to any private enterprise where he is of the opinion, he will be appreciated.

- (4) Brief facts are that the petitioner was employed as a Clerk on 28.02.1997. He was then promoted as Junior Assistant in the Accounts Department in the year 2006. On 06.05.2017, he was transferred to Stock Verification Section. On 23.07.2018, he was transferred to Pension Section. Questioning that particular transfer, the present writ petition has been filed.
- (5) Questioning transfer, a writ will not lie. The petitioner cannot have an option of choosing where he wants to work. As a public servant, receiving salary out of the taxes paid by the general public, he has to work in whatever section he is posted. He should be fortunate that he is posted only in Chennai and not elsewhere. Be that as it may, during the pendency of the writ petition, he had been retransferred to the Stock Verification Section on 22.01.2021. This is effectively the relief sought for in the writ petition.



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- (6) Learned counsel for the petitioner however placed a request that the petitioner should be retained in the earlier Section itself. I am afraid that this particular request of the petitioner cannot be granted. A direction is given to the respondents, not to grant it.
- (7) The respondents have every right to transfer the petitioner to any section. It is their prerogative and the petitioner cannot place any obligation on the part of the respondents to put him in a particular section. If he does not want to work for the salary he receives, as stated above, he can resign and walk away. Chennai Port Trust will not collapse merely because the petitioner walks away from the services of the Port Trust. It will still survive and there will be better persons who will be able to discharge the duties which the petitioner is now discharging.
- (8) Learned counsel places this particular request on three grounds. Firstly, it is stated that the avenue of promotion is more and the petitioner will be promoted as Class-II Officer whereas if he is retained in the Pension Section, he will be retained in the same cadre



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and the avenue of promotion is quite less. However, the pay protection will always be there. The petitioner who was working for salary every month can be satisfied that his emoluments would be taken care of by the respondents.

- (9) The second reason that is placed is that the petitioner was employed directly as a Junior Assistant in the Accounts Section and therefore, he should be retained in that particular section in which he feels his services will be better utilised. His services can never be utilised if he has no attitude to work in any other section. Therefore, I reject that particular ground.
- (10) The third ground is the nature of work. It is stated that the post of Junior Assistant itself has an unique nature of work and specialised training has been given to the petitioner. The only demand of the petitioner is to place him in a particular section where he wants to work without adhering to the Rule of law or the Rule of procedure, which necessitates transferring him from one section to another section. It is stated that the petitioner had been given specialised



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training, but if he is not interested in working in any particular section, no amount of training would make him a better person. He would only be a man full of grievances. He is already full of grievances. Let him continue to be a person of grievances. I am not prepared to grant any relief.

(11) In the result, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

AP
Internet : Yes



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To

- 1.The Chairman
Chennai Port Trust
Administrative Office
Rajaji Salai, Chennai 600 001.
- 2.The Financial Advisor & Chief Accounts
Officer, Chennai Port Trust, Administrative
Office, Rajaji Salai, Chennai 600 001.



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C.V.KARTHIKEYAN, J.,

AP

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