



W.P.(MD) No.7509 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

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and

M.P.(MD) Nos.1 & 2 of 2015

G.Palavesam

... Petitioner

-vs-

1.Union of India
rep.by General Manager
Southern Railway
Park Town, Chennai

2.The Sr.Divisional Engineer / South
Southern Railway
Madurai Division
Madurai-625 016

3.Assistant Personal Officer / Engg /
The Divisional Personnel Officer
Southern Railway
Madurai Division, Madurai-625 016

4.The Senior Section Engineer / P.Way
Southern Railway
Srivaikundam, Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order No.19/2012/WP dated 21.02.2012, on the file of the respondent No.3 and consequently order No. U/P.677/1WP/ISDT/Vol.3, dated 05.12.2014, on the file of the respondent No.3, consequently Tribunal order in O.S.No.310/01837/2014, dated 17.03.2015 and quash the same as illegal and consequently for a direction directing the respondents to retain the petitioner under Sr.Section Engineer/P.Way/Srivaikundam.

For Petitioner : Mr.G.Kathikck
for Mr.T.Lajapathi Roy

For Respondents : Mr.K.R.Laxman

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order of transfer, dated 21.02.2012, transferring the petitioner from Senkottai Section to Srivaikundam Section was challenged before the Central Administrative Tribunal, Madras Bench, in OA/310/01837/2014. The Tribunal, by order dated 17.03.2015, dismissed the petitioner's application and therefore, the petitioner is constrained to file this writ petition.



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2. Learned counsel appearing for the respondent – Southern Railway made a submission the petitioner had joined in the transferred place, after the disposal of the original application by the Central Administrative Tribunal.

3. Transfer is an incidental to service, more so, a condition of service. The petitioner was transferred from Senkottai Section to Srivaikundam Section, which would not affect his normal activities. Thus, we do not find any infirmity in respect of the order of dismissal passed by the Central Administrative Tribunal. Further, the petitioner had already joined in the transferred place and thus, no further adjudication is required in this writ petition.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [V.L.N., J.]
13.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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