



W.P.No.35293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.35293 of 2024

K.V.Sreejith,
Junior Engineer,
Electrical Loco Shed,
Erode Junction, Salem Division,
Southern Railway.

... Petitioner

Vs.

1. Union of India represented by,
The General Manager,
Southern Railway HQ,
Park Town, Chennai – 600 003.
2. The Chief Personnel Officer,
Southern Railway, Chennai Division,
Park Town, Chennai – 600 003.
3. The Senior Divisional Personnel Officer,
Palakkad Division, Southern Railway,
Palakkad - 678 001.
4. The Divisional Personnel Officer,
Salem Division, Southern Railway,
Salem - 636 302.
5. The Registrar,
Central Administrative Tribunal,
City Civil Court Buildings,
Chennai - 104.

... Respondents



W.P.No.35293 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for records relating to the fifth respondent's order made in O.A.No.310/00847 of 2021, dated 02.01.2024 and 05.06.2024 to quash the same and to consequently, direct the respondents 1 to 4 to relieve the petitioner on transfer to MEMU shed at PGT/QLN.

For Petitioner	: Mr.L.Chandrakumar
For R1 to R4	: Mr.V.T.Balaji, SPC
For R5	: Tribunal

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The lis on hand has been instituted challenging the order dated 02.01.2024 in O.A.No.310/00847 of 2021.

2.The writ petitioner is working as a Junior Engineer, Electrical Loco Shed, Erode, Salem Division, Southern Railway. The petitioner exercised his option for a transfer to MEMU shed at Palakkad. Since the request transfer based on his option was not considered, the petitioner earlier filed O.A.No.266/2021 and the Central Administrative Tribunal, Chennai, directed the authorities to consider the representation within a period of 15 days. Pursuant to the directions of the Tribunal, the Southern Railway passed an impugned order in proceedings dated 11.05.2021, rejecting the representation submitted by the writ petitioner. Again the petitioner filed O.A.No.847 of 2021,



W.P.No.35293 of 2024

which came to be dismissed and therefore, the present writ petition is filed.

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3.Mr.L.Chandrakumar appearing on behalf of the petitioner would submit that two vacancies in the cadre of Junior Engineer are available in Palakkad as per the Book of Sanction. When two vacancies are already available, there is no impediment for accommodating the petitioner in any one of the vacancies. Therefore, the case ought to have been considered by the Central Administrative Tribunal.

4.The learned Senior Panel Counsel for the respondents 1 to 4 would oppose by stating that the impugned order, dated 11.05.2021, is self speaking and regarding the panel restructuring and the availability of vacancies are explained. Therefore, the case of the petitioner was not considered by the authorities. The Tribunal also taken note of these facts and dismissed the original appeal.

5.Considered the arguments.

6.Transfer is an incidental to service, more so, a condition of service. Request transfer cannot be claimed as an absolute right. It is an administrative prerogative to post an employee from one place to another place on administrative grounds and for efficient public administration. Request



W.P.No.35293 of 2024

transfers are made by the employees on several grounds including family circumstances. However, it is for the authorities to consider these grievances of the employees and take a decision in the interest of public administration. Courts in exercise of the power of judicial review cannot interfere with the day to day administration of the Government Department. The Executive Authorities are the best persons to decide the place and post of an employee in public interest.

7.An order of transfer or non consideration of request transfer based on the willingness obtained from the employees are only for the purpose of consideration and mere exercise of an option for a particular post would not confer any right to claim the said post by an employee.

8.The learned counsel for the petitioner would submit that based on the circular issued by the Department, options are exercised by the employee Therefore, the case is to be considered. Since transfer is not a right, but conditions of service, mere exercise of an option by an employee would not confer any right to claim any particular post.

9.Public servants cannot claim post or status. They are bound to serve in a place, where they are posted in the interest of administration.



W.P.No.35293 of 2024

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10. Non consideration of the case of the petitioner was explained in the order of rejection passed by the competent authority in proceedings dated 11.05.2021. The Tribunal also considered the same. The findings in the order impugned reveals that the proceedings dated 18.03.2021 would clarify that the sanctioned strength of Junior Engineer post at MEMU shed/PGT has been wrongly mentioned as two instead of one. However, the writ petitioner has clearly stated that “I am willing to abide by the conditions stipulated for optional transfer circulated vide letter dated 17.03.2020”. Having accepted the terms and conditions stipulated in the notification dated 17.03.2020, the number post of Junior Engineer at MEMU shed, Palakkad as one, the writ petitioner cannot now turn around and challenge the number of posts.

11. Beyond the said findings, we are of the considered opinion that the sanction, creation or abolition of the posts are the administrative prerogative. In the event of availability of vacancies, the authorities might or might not consider. Even if such vacancies are available, an administrative decision is required to post an employee in a particular place. Transfer or request transfer would not fall under the service right of an employee. It is a concession granted to an employee. The decision of the authorities considering such grievances



W.P.No.35293 of 2024

become final and interference by the Courts are unnecessary. In the absence of any malafide, the administrative decisions taken need not be interfered with by the Courts. Moreso, in proceedings dated 11.05.2021, the authorities have stated that the application submitted by the writ petitioner was registered and his overall priority number is 115. Thus, his case will be considered for transfer on his turn along with others subject to feasibility assessed by the administration to relieve the petitioner from a particular post.

12. Thus, we do not find any reason to interfere with the decision taken by the administrative authority. Consequently, the order of the Tribunal stands confirmed and the writ petition stands dismissed. No costs. However, the observations made in this order will not stand in the way of the authorities to consider the case of the writ petitioner whenever his turn comes or an administrative decision is taken in the interest of justice.

[S.M.S., J.]

[M.J.R., J.]

27.11.2024

sli

Index: Yes/No

Speaking/Non-speaking order

To

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The General Manager,



W.P.No.35293 of 2024

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W.P.No.35293 of 2024

W.P.No.35293 of 2024

27.11.2024