



WEB COPY



W.P. No.7655 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.7655 of 2015 and
M.P.Nos.2 and 3 of 2015

P.Sakthivel

.. Petitioner

Vs.

1. The Director of Agriculture,
Ezhilagam, Chepauk,
Chennai 600 005.
2. The Director,
Seed Certification and Organic
Certification Department,
Coimbatore.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the impugned order dated 06.03.2015 passed by the 1st Respondent in his proceedings A.Ni.P1/27627/2015 and to quash the same.

For Petitioner : Mr.M.R.Thangavelu

For Respondents : Mr.S.Yashwanth
Additional Government Pleader



ORDER

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The present writ petition is filed challenging the impugned order of allotment and transfer dated 06.03.2015. It is submitted by both the learned counsel for the petitioner and respondent that under identical circumstances this Court in W.P.No.7631 of 2015 had dismissed the writ petition holding as under:

"2. The petitioner was appointed as Junior Assistant in the year 1990 and thereafter, he was promoted to the post of Assistant. The petitioner was transferred from Coimbatore to Ariyalur on administrative grounds. The order impugned was issued on 06.03.2015 and now almost seven years lapsed.

3. Pursuant to the Interim Order granted by this Court, the petitioner has been continuing in the same post for more than seven years. As per the Government transfer policy, an employee is eligible to continue for a period of three years. On completion of three years service, an employee is liable to be transferred on administrative grounds or on the ground of administrative exigency or otherwise . Post or place can never be claimed as a matter of right. Transfer is an incidental to service, more so, a condition of service. A public servant is liable to be transferred on administrative grounds and it is the administrative prerogative post for the effective public administration.

4. High Court in exercise of the power of judicial review cannot interfere with the routine administrative transfers, which will affect the public administration. Such an interference is uncalled for, unless the persons approaching the High Court by challenging the order of transfer, could able to establish that the transfer order has been issued on mala fide ground or without any authority, but not otherwise. Thus, a writ against the order of transfer is to be entertained, if it is tainted with the allegations of malafide or the order issued is without jurisdiction or authority.



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5. In the present case, the petitioner was transferred from Coimbatore to Ariyalur on administrative grounds. Pursuant to the Interim Order, he has stayed more than seven years after filing of the writ petition. Such continuance of stay is beyond the transfer policy period of the Government and thus, this Court is not inclined to grant any more concession to the writ petitioner and it is for the authorities to take a decision in accordance with the Government transfer policy and considering the administrative grounds or otherwise. As far as the impugned transfer is concerned, this Court do not find any infirmity or perversity as such."

2. In view thereof following the same the writ petition is disposed of in terms of the above order. No Costs. Consequently, connected miscellaneous petitions are closed.

20.06.2024

Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To:

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Chennai 600 005.
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MOHAMMED SHAFFIQ, J.

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