



WP.No.18330 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

WP.No.18330 of 2023

Mohit Gautam

... Petitioner

v.

1. Union of India
Rep by its Secretary Ministry of Defence
Department of Defence Production
South Block, New Delhi.

2.The Director General Ordinance Factory
Ordinance Factory Board,
10A, S.K.Bose Road,
Kolkatta – 700 001.

3.The General Manager
Ordinance Factory
Field Gun Factory
Kanpur – 208 009.

4.The Assistant Works Manager (Admin)
Ordinance Factory
Field Gun Factory
Kanpur – 208 009.

5.The General Manager
Ordinance Factory



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... respondents

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Prayer : Petition filed under Article 226 of the Constitution of India seeking to issue writ of Certiorarified Mandamus calling for the records in OA.No.310/01235/2019 dated 16.11.2022 on the file on the Central Administrative Tribunal, Chennai Bench and quash the same and consequently direct the 3rd respondent to restore status quo ante of the petitioner at posting him as the Junior Works Manager at the Field Gun Factory, Kanapur with continuity of service from 31.01.2019 along with costs.

For Petitioner : Ms.Jisha James

For Respondents : Mr.K.S.Jaya Ganeshan, SPC.

ORDER

(Made by the Hon'ble Mr.Justice S.M.SUBRAMANIAM)

The order passed by the Central Administrative Tribunal rejecting the OA filed by the petitioner in OA.No.1235 of 2019 dated 16.11.2022 is under challenge in the present writ proceedings.

2. The petitioner was appointed as Junior Works Manager (Probationary)/Mechanical at Ordinance Factory Institute of Learning in Medak on 08.05.2009. He was subsequently holding the post of Junior



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Works Manager, Filed Gun Factory, Kanpur (FGK) for a period of about 9 years. Thereafter, the petitioner was transferred from Kanpur (FGK) to Ordinance Factory, Tiruchirappalli (OFT) vide Order No.204 dated 01.02.2019. Pertinently, the said order indicates that the transfer/posting of the officers were made in public interest. The said public interest transfer was challenged by the petitioner before the Central Administrative Tribunal, Allahabad and it was dismissed. He preferred writ petition before the High Court, Allahabad in WP.No.4209 of 2019. The High Court, Allahabad disposed of the writ petition with a liberty to the petitioner to make representation against the transfer to the authority concerned on the ground that it is violation of transfer policy. In the event of making any such representation a direction was issued to dispose of the representation within a period of six weeks from the date of representation. Pursuance to the directions issued by the High Court, Allahabad, the Director General, Ordinance Factory, Ministry of Defence rejected the representation vide proceedings dated 01.08.2019.

3. During the pendency of the proceedings before the Allahabad Court, the petitioner joined at Ordinance Factory, Tiruchirapalli, pursuant to the original transfer order dated 01.02.2019. He preferred



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OA.No.1235 of 2019 before the Central Administrative Tribunal, Chennai Bench, challenging the order dated 01.08.2019 as well as the original transfer order dated 01.02.2019 and sought for a direction to restore his status as Junior Works Manager, Field Gun Factory, Kanpur with continuity of service from 31.01.2019. The Central Administrative Tribunal, Chennai, elaborately considered the legal position and the facts and dismissed the application. Thus the present writ petition came to be instituted.

4. The learned counsel for the petitioner Ms.Jisha James, would vehemently contend that the initial transfer of the petitioner from Kanpur to Trichy is not in accordance with the transfer policy issued by the Director General (Ordinance Factories). The petitioner served in Kanpur without any blemish, therefore, the authorities ought to have considered his case for restoration of his status at Kanpur.

5. The petitioner raised several other grievances which were not considered by the competent authorities as well as by the Central Administrative Tribunal. Thus the present writ petition is to be considered.



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6. The learned counsel for the respondent would oppose by stating that pursuant to the original order of transfer dated 01.02.2019, the petitioner joined at Trichy in the year 2019 itself. He is continuing at Trichy for about 5 years and the OA filed before the Central Administrative Tribunal, Allahabad bench was dismissed and the direction issued by the High Court, Allahabad to consider the representation was also effectively considered by the competent authority and was rejected. Thus the Tribunal considered all these aspects and dismissed the OA.

7. Transfer is an incidental to service, more so conditions of service. Transfer per se would not provide a cause for an employee to challenge the same before the Court of law. An order of transfer can be challenged, if the same has been issued by an incompetent authority having no jurisdiction or allegations of malafides are raised. Even in case of raising an allegation of malafides, the authority against whom such an allegation raised, must be impleaded as respondent in his personal capacity. The Courts cannot interfere with the routine administration of



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Government Departments. It is the prerogative of the executive authority to transfer an employee in a place or post for effective public administration. The authorities are the best persons to take a decision to post employees in a particular place and post. Unnecessary interference in the matter of transfers, would result in an anomalous situation, where the executive authority may not be in a position to regulate the administrative affairs in an effective manner.

8. The original order of transfer dated 01.02.2019 indicates that the petitioner was transferred from Kanpur to Trichy in public interest. The fact remains that the petitioner served at Kanpur for about 9 years. That being the factum, the said transfer cannot be construed as infirm. However, the competent authority viz., Director General (Ordinance Factories) independently considered the grievances of the petitioner, pursuance to the order of the Allahabad, High Court dated 25.03.2019 in WP.No.4209 of 2019. The competent authority duly examined and considered the grounds raised by the petitioner in his representation. That being so, we do not find any reason to interfere with the order under challenge in the OA, as well as the order of dismissal of OA by the Central Administrative Tribunal.



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9. Accordingly, the writ petition stands dismissed. No costs.

(S.M.S., J) (M.J.R., J)
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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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