



W.P.No.5808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.5808 of 2025 &
WMP.No.6401 of 2025

1.S.Iyyanar
2.G.R.Mouroungane ... Petitioners

Vs.

- 1.Union of India Represented by
The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.
- 2.The Secretary to Government (Labour),
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.
- 3.The Under Secretary to Government (Labour),
Labour Department Complex,
Puducherry – 605 009.
- 4.The Commissioner of Labour cum Director of Training,
Office of the Labour Commissioner,
Labour Department Complex,
Vazhudavur Road,
Gandhi Nagar,
Puducherry – 605 009.
- 5.The Principal,
Government ITI for men,
Mettupalayam,
Puducherry – 605 009. ... Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 21.10.2024 passed by the Central Administrative Tribunal, Madras Bench in O.A.No.374 of 2024 and ii) Transfer Order vide Memorandum No.6068/Lab/SW/A1/2024/232 dated 13.03.2024 issued by the third respondent insofar as the petitioners alone and quash the same and consequently, direct the respondent Nos.1 to 5 to allow the Original Application filed by the petitioners and transfer back the petitioner from Government ITI for Men, TR Pattinam, Karaikal to the Government ITI for Men, Mettupalayam, Puducherry.

For Petitioners : Mr.Prakash Adiapadam

Respondent : Mr.R.Syed Mustafa,
Special Government Pleader
(Puducherry)

ORDER

*(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)*

We heard Mr.Prakash Adiyapadam for the petitioners and Mr.R.Syed Mustafa, learned Special Government Pleader (Puducherry) for the respondents.

2. The petitioners 1 and 2 are the applicants 4 and 3 respectively and the respondents were arrayed as the respondents before the Central Administrative Tribunal (hereinafter referred to as "CAT").



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3. The petitioners seek for the following reliefs:

“calling for the records relating to the impugned order dated 21.10.2024 passed by the Central Administrative Tribunal, Madras Bench in O.A.No.374 of 2024 and ii) Transfer Order vide Memorandum No.6068/Lab/SW/A1/2024/232 dated 13.03.2024 issued by the third respondent insofar as the petitioners alone and quash the same and consequently, direct the respondent Nos.1 to 5 to allow the Original Application filed by the petitioners and transfer back the petitioners from Government ITI for Men, TR Pattinam, Karaikal to the Government ITI for Men, Mettupalayam, Puducherry.”

4. For the sake of convenience, the parties were referred to as per their ranks before the CAT.

5. The applicants sought for the following reliefs before the CAT:

“may be pleased to call for the records relating to impugned Transfer Order vide Memorandum No.6068/Lab/SW/A1/2024/232, dated 13.03.2024 issued by the 3rd respondent and quash is so far as applicants alone and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus, render justice may be rendered.”



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6. The applicants are in the employment of the respondents.

They are working as Vocational Instructors at the Government Industrial Training Institute for Men in Mettupalayam, Puducherry. The applicants were appointed in the year 1998. On 13.03.2024, the third respondent issued an order of transfer. By that order, the applicants were transferred from Puducherry to Karaikal. They sent a representation on 05.02.2024 resisting the transfer. They. *inter alia*, stated that several vacancies in Puducherry region need to be filled up and Puducherry region Instructors, who were currently working in outlying areas, be transferred to Puducherry.

7. In the alternative, they suggested that if the transfers were necessary, it should be effected at the commencement of the academic year and it can be implemented from June 2024. The second and the fourth applicants gave individual representations pointing out their difficulties and requested the respondents to retain them in Puducherry itself. As no tangible action was taken, the applicants came forward with the original application challenging the orders of transfer before the CAT.

8. The CAT took the application on file and issued notice to the respondents. The respondents entered appearance and filed a detailed



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reply. According to the respondents, as per the transfer policy in vogue, transfer orders are issued during the months of May/June. As the individuals, who were already working in outlying regions for more than two years, sought for their transfer back to Puducherry. Hence, the proposal of inter-regional transfer was accepted by the Government. As it was anticipated the Model Code of Conduct would come into force soon, the respondents ordered the transfer during the month of May. They pleaded that this was done in order to avoid any disruption in the training activities of the students.

9. The respondents pointed out that the transfer policy was strictly adhered too and since there was an anticipated cadre restructure, amalgamation, revision of recruitment rules, re-designation and bifurcation of the Department, the post of the Vocational Instructors could not be filled up. They pleaded that the transfer is unavoidable and had been exercised in the public interest. They added that the transfer of Vocational Instructors was based on the respective trades that they had handled at the ITIs. Furnishing the details of transfer in a tabular column, the respondents pointed out that the period of service in outlying areas had been taken into consideration before passing the orders of transfer.



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10. The CAT took up the application for disposal. By the impugned order, it came to a conclusion that transfer, being an incident of service, the employer has an authority to transfer the employee to the place it decides and the same cannot be challenged as long as it has been exercised justly, fairly and reasonably. It further pointed out that unless and until the order of transfer violates the statute or vitiated by fraud, the courts should not interfere with the said order. Consequent to this discussion, the CAT came to a conclusion that apart from the first applicant, the application does not deserve consideration and consequently, dismissed the same.

11. Challenging the same, the third and fourth applicants before the CAT have presented the present writ petition.

12. The learned counsels appearing for the respective parties reiterated their contentions. In effect, the plea is that the transfer policy has been violated and therefore, the application deserves to be allowed.

13. We have carefully considered the submissions and gone through the records and the impugned order.

14. The position of law with respect to the transfer has been



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settled by the Supreme Court in a catena of Judgments. We need to refer only to one, namely, the judgment in the ***State of U.P. v. Siya Ram, (2004) 7 SCC 405***. The Supreme Court in paragraph 5 of the said judgment pointed out that no Government Servant or employee of a public undertaking has any legal right to be posted forever at one particular place or the place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident, but a condition of service, necessary in public interest and efficiency of public administration. The court pointed out that unless an order of transfer is shown to be an outcome of *mala fide* exercise, or stated in violation of statutory prohibitions prohibiting any such transfer, the courts or tribunals normally cannot interfere with such orders as a matter of routine, as though they were appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the interest of administrative exigencies of the service concerned. To reach this conclusion, the Supreme Court referred to a judgment of itself in ***National Hydroelectric Power Corporation Limited vs. Shri Bhagwan, (2001) 8 SCC 574***.

15. Insofar as the Government of Puducherry is concerned, its Labour Department has come up with the transfer policy on 03.10.2006. As per this policy, a Government Servant, who has put a



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longest period of stay in the Puducherry region, should be transferred to the outlying regions. The period of stay in Puducherry should be reckoned from the date of his last posting in Puducherry. It also states that an official, who has already served in an outlying region should not be transferred to that region, when officials who have not served, or who have served for a shorter period in the outlying regions are available. It also states that those who have completed two years of service in the outlying regions should be re-transferred to the Pondicherry and if a person has been posted to Mahe or Yanam region, re-transfer should be considered after a period of one year. Clause (h) of the said transfer policy adds that if a Government Service is due to retire on superannuation, within a period of two years, he need not be transferred from one region to another and if such an employee applies for a transfer to a place nearby his residence, it should be considered sympathetically.

16. In the case on hand, the first writ petitioner has rendered 12 years of service in Puducherry region and only four years and two months in the outlying region. The same is the situation with respect to second writ petitioner also. The tabular column set forth in page No.187 of the typed set of papers points out that two employees namely, R.Radjasankar and N.Vijaya were not transferred out of Puducherry region, since the Radjasankar was to retire within two



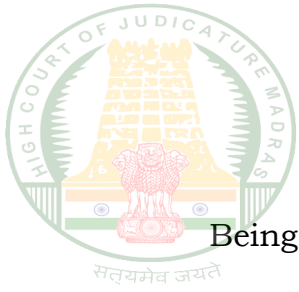
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years and was suffering from 33% disability. Insofar as N.Vijaya is concerned, she too was up for retirement by 30.09.2027 and had to take care of her 85 years old sick mother. On account of these special reasons, they were not transferred out of Puducherry region.

17. When the petitioners have served for a substantial period of time in Puducherry, they cannot demand that they should be retained in the said place when their period of service has been analysed and an administrative call has been taken by the respondents.

18. The courts cannot run the administration. We have already set out the grounds on which the court can interfere, in exercise of Article 226 of the Constitution of India with respect to the orders of transfer. Considering the overall perspective, the authorities have taken a decision in line with the transfer policy and we do not find the same to be irrational.

19. Furthermore, a writ of certiorari is not an appeal in disguise. The court considers the decision making process adopted by the Tribunal. The Tribunal has applied the correct law to the facts of the case and had interfered, when it found that the transfer policy had not been followed for the first applicant, but refused to interfere with respect to the present writ petitioners giving appropriate reasons.



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Being a visitorial and supervisory jurisdiction, we do not find any error in the order passed by the Tribunal. Hence, we are not inclined to interfere. The Writ Petition is dismissed. No cost. Consequently, the connected miscellaneous petition is closed.

(M.S.R, J.) (V.L.N, J.)
14.07.2025

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes/No

To

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6.The Central Administrative Tribunal,
Chennai Beach, Chennai



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**M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.**

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