



W.P.No.23068 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.23068 of 2025
and
W.M.P.No.25917 of 2025

R.Anandkumar

... Petitioner

Vs.

1. The Managing Director,
Head Office,
Tamil Nadu State Transport Corporation,
Salem Division, No.12, Ramakrishna Street,
Salem – 7.
2. The General Manager,
Tamil Naud State Transport Corporation,
Salem Division, No.12, Ramakrishna Street,
Salem – 7.
3. The Deputy Manager,
Tamil Nadu State Transport Corporation,
Salem Division, No.12, Ramakrishna Street,
Salem – 7.
4. The Branch Manager,
Tamil Nadu Transport Corporation,
Salem Division,
Namakkal Branch-1,
Namakkal District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records related to the impugned transfer order issued by the second respondent vide E2/826/Tha.A.Po.Ka(Salem)/2025 dated 13.03.2025 and quash the same as illegal.

For Petitioner : Mr.K.Muthu Ganesa Pandiyan
For Respondents : Mr.K.Raja,
Standing Counsel

ORDER

The instant writ petition has been filed challenging the impugned order dated 13.03.2025 passed by the second respondent.

2. The learned counsel for the petitioner would submit that the petitioner was initially appointed as a Driver and subsequently, he was given alternative work as a Helper in the fourth respondent Corporation. However, all of a sudden, before the completion of the academic year, he was transferred to Salem, and such a transfer is contrary to the Transfer Policy adopted by the respondent Corporation.



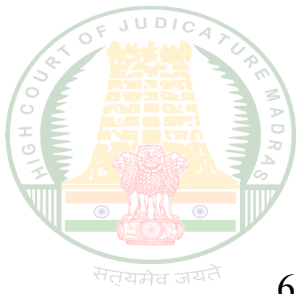
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3. At this juncture, the learned Standing Counsel appearing for the respondents would vehemently contend that the petitioner is creating a lot of nuisance to all the staff. Though he was sympathetically given alternative work from Driver to Helper, his functioning at the Namakkal Branch caused so much administrative inconvenience. On taking into consideration of the overall betterment of the administration, he was transferred to Salem, which is very near to Namakkal. Therefore, the learned Standing Counsel would contend that there is no ground to interfere with the transfer order.

4. I have given my anxious consideration to the submissions made on either side.

5. It is a well-settled principle of law that transfer is an incidence of service, and the best judge to decide the place of posting for an employee is the administration. Unless there is malafide, or the transfer is tainted with any bias, the Writ Court cannot interfere while exercising the power of judicial review. Even if there is any malafide or bias, the officers against whom such allegations are made must be made parties in their personal capacity.



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6. In the case at hand, the only ground urged by the petitioner is that before the completion of the academic year, he has been transferred from Namakkal to Salem, and the same is contrary to the Transfer Policy. It is well-settled principle of law that the Transfer Policy adopted by the Department will not have the force of statute; it only enables transparency in the transfer procedure. Therefore, mere Policy does not confer any right upon the petitioner to retain him at Namakkal District itself. Therefore, this Court finds no merit in this Writ Petition, and it is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. However, the petitioner is given liberty to submit a representation to the respondents within a period of one week from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents are directed to consider the same and pass orders on it's own merits and in accordance with law within a period of six weeks thereafter. Consequently, the connected Miscellaneous Petition is closed. No costs.

26.06.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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