



W.P.No.34178 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.34178 of 2024

and

W.M.P.Nos.37003, 37005 and 37006 of 2024

Sujith S.Kumar

... Petitioner

Vs.

1. Union of India,
By its Secretary,
Ministry of Communications,
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110003.
2. India Post Payments Bank Limited,
Rep. by Chief HRO,
Post Office, Speed Post Center Building,
Market Road, New Delhi – 110001.
3. India Post Payments Bank Limited,
By its Asst. General Manager,
Circle Head,
Tamil Nadu Circle.
4. India Post Payments Bank Limited,
By its Asst. General Manager,
Circle Head,
Gujarat Circle.

... Respondents



W.P.No.34178 of 2024

WEB COPY Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in transfer order dated 02.08.2023 in Ref.No.IPPB/HR/2023-24/38 in so far it relates to the petitioner and the consequential order dated 18.07.2024 and quash the same and consequently direct the respondents to consider the case of the petitioner for retention in TN Circle, in accordance with DoPT OM dated 30.09.2009 for posting husband and wife in the same 'station' or same 'state'.

For Petitioner	: Mr.J.Srinivasa Mohan
For Respondents	: Mr.A.Kumaraguru, Senior Panel Counsel (for R1) Mr.S.Dhanasekaran (for R2 to R4)

ORDER

This Writ Petition has been filed challenging the orders dated 02.08.2023 and 18.07.2024 passed by the second respondent.

2. Heard the learned counsel for both sides and perused the materials available on record.



W.P.No.34178 of 2024

WEB COPY

3. The prime contention of the learned counsel for the petitioner is that, despite the impugned circular dated 02.08.2023, the postal authority has to follow the Government guidelines in the Official Memorandum dated 30.09.2009. The second respondent has not followed the same, wherein clause 4(vii) stipulates that where one spouse is employed in the Central Government and the other spouse is employed in the State Government, the spouse employed in the Central Government may apply to the competent authority, and the competent authority may post the said officer to the station where the spouse is posted. It is the submission of the learned counsel for the petitioner that, despite such clear guidelines, the second respondent posted the petitioner vide the impugned order to Gujarat. When this was initially challenged before this Court in W.P.No.27102 of 2023, though the second respondent did not cancel the transfer, they permitted the petitioner to continue at Mayiladuthurai.

3.1. It is the further submission of the learned counsel for the petitioner that, after undergoing IVF treatment, the petitioner has a child aged about 11 months. Since his wife is also a working woman, she finds it difficult to take care of the baby. Now, the second respondent has again directed the



W.P.No.34178 of 2024

WEB COPY

petitioner to take charge at Gujarat from 01.01.2025, and the petitioner has taken charge and has been working at Gujarat. He would also submit that, though there is a specific clause in the Official Memorandum dated 30.09.2009, and similar relief was given to one Rajmohan, there is no reason assigned to the petitioner as to why he was sidelined.

4. It is a well-settled principle of law that transfer guidelines do not have the force of a statute, but they are introduced to maintain transparency. Therefore, in view of the submission of the learned counsel for the petitioner, this Court deems it appropriate to direct the second respondent to inform the petitioner why he was not posted in the Tamil Nadu Region, despite the specific clause in the Official Memorandum dated September 30, 2009.

5. At this juncture, the learned counsel for the second to fourth respondents would fairly submit that they would give reason to the petitioner within a reasonable time.

6. In view of the above submission, the second respondent is directed to communicate the reason as to why the petitioner was not considered as per



W.P.No.34178 of 2024

WEB COPY

clause 4(vii) of the Official Memorandum dated 30.09.2009, within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

09.07.2025

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Secretary,
Union of India,
Ministry of Communications,
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2. The Chief HRO,
India Post Payments Bank Limited,
Post Office, Speed Post Center Building,
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W.P.No.34178 of 2024

WEB COPY
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4. The Asst. General Manager,
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W.P.No.34178 of 2024

C.KUMARAPPAN, J.

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W.P.No.34178 of 2024

09.07.2025