



W.P.No.36207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.36207 of 2024

and

W.M.P.No.39091 of 2024

1.Union of India,
Ministry of Ayush,
Rep. by Secretary to Government of India,
Ayush Bhawan, B Block,
GPO Complex, INA Market,
New Delhi.

2.The Director General (Additional Charge),
Central Council for Research in Siddha,
GST Road, Sanatorium,
Tambaram, Chennai.

... Petitioners

-VS-

1.K.Vasudevan,
S/o.M.V.Krishnamoorthy,
Administrative Officer,
Central Council for Research in Siddha,
Tambaram Sanitorium,
GST Raod, Chennai.

2.Meenakumari,
The Director General (Additional Charge),
Central Council for Research in Siddha,
GST Road, Sanatorium,
Tambaram, Chennai.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order passed by the Central Administrative Tribunal, Chennai in O.A.No.736 of 2023 dated 07.05.2024 and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Additional Solicitor General
Assisted by Mr.V.Chandrasekaran,
Special Panel Counsel

For Respondents : Mr.M.Ravi for R1

R2 – Given up vide Court order dated 16.12.2024

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

General governing legal principles for transfer of an employee are that:

- 1) Transfer is incidental to service and conditions of service.
- 2) Administrative transfers can be effected in the interest of public administration by the competent Authority.
- 3) Order of transfer can be challenged on two grounds:
 - a) *mala fide*
 - b) by incompetent Authority.



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2. The transfer guidelines are issued by the Government to maintain transparency in administration and issuance of transfer, but, those guidelines would not have statutory force.

3. Post or place can never be claimed as a status by an employee. Administrative transfers cannot be interfered with by the Courts. Power of judicial review under Article 226 of the Constitution of India to interfere with the orders of the administrative transfers are limited.

4. The Courts are not expected to run routine administration of the Government Departments. It is the prerogative of the Authorities to run administration and to improve the efficiency in public administration. Thus, unnecessary intervention by Courts in administrative transfers may cause prejudice to the interest of public administration.

5. Under assail in the present Writ Petition is the order of the Central Administrative Tribunal [hereinafter referred to as "CAT"], Chennai Bench dated 7th May 2024 in O.A.No.736 of 2023.



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6. Union of India, Ministry of Ayush preferred the present Writ Petition. Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India would mainly contend that transfer has been issued in lieu of suspension in the present case and more so, the indifferent behaviour and conduct of the 1st respondent while performing the official duties were taken note of by the Director General and transfer order has been issued. The order of transfer would indicate that pending initiation of disciplinary proceedings in connection with the arrogant behaviour & in-subordination and for lack of devotion to duties, the Director General issued the transfer order transferring the 1st respondent along with the post from Chennai to Bengaluru. The transfer order has been issued within the power conferred upon the Director General under the bye-laws. The CAT failed to consider the fact that the Government of India, Ministry of Ayush has accorded sanction for transfer of 1st respondent as Administrative Officer from CCRS, Head Quarters Chennai to SCRUB Bengaluru vide proceeding dated 13th October 2023. When the Government of India has accorded sanction, the grounds raised by the 1st respondent regarding prior permission to be obtained ought not to have been considered. The CAT has not considered the scope of bye-laws in the matter of transfer of employees. Therefore the order of CAT deserves to be set aside.



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7. Mr.M.Ravi, learned counsel appearing on behalf of the 1st respondent would oppose by stating that the impugned transfer order is punitive in nature. The Director General, who issued the transfer order was holding additional charge. The respondent raised several financial and other irregularities against the Director General and a complaint also has been filed against the Director General. Thus, the Director General ought not to have issued transfer order, since there is a likelihood of bias. The bye-laws of the Central Council for Research in Siddha would also show that prior approval from the competent Authority is required in the present case. Post facto approval granted by the Government of India would not save the validity of the impugned transfer order and thus the CAT has followed correct proposition of law and the writ petition is to be rejected.

8. He would rely on the Office Order dated 21.11.2022 appointing the 2nd respondent herein as the Director General (Additional Charge). He would solicit the attention of this Court on the bye-laws applicable, which would also show that prior approval from higher Authorities is required to transfer an employee. Admittedly the 1st respondent in pursuance to the impugned transfer order joined at Bengaluru and almost he has served about 2 ½ years in the transferred post at Bengaluru during the pendency



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of the Original Application before CAT and the Writ Petition before this Court. That also is the issue to be looked into by this Court in view of the fact that the impugned order of transfer is an administrative order.

9. Let us now consider the guidelines enumerated in the Memorandum of Association of the Central Council for Research in Siddha. **The bye-laws provide guidelines for transfer.** Sub-clause 6 to clause 48 states that *“transfers of all officials including those of Group “C” & “D” staff may be resorted to as an alternative to suspension of the official or in public interest while an inquiry is in progress”*. Sub-clause 13 states that *“in situations where on administrative and technical grounds, some posts are required to be transferred from one Institute/ Unit to another, the incumbents holding such posts would be transferred along with the posts. The Director General shall personally satisfy himself about the necessity of transfer of such post along with the incumbent from one unit to another and certify explaining the reasons that this has been done in the public interest and after obtaining necessary approvals where ever required. This should be done with the prior approval of the Executive Committee and in case of urgency, with the approval of the Chairperson of the Executive Committee.”*



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10. In the context of the above guidelines, it would be relevant to look into the order of the Government of India, Ministry of Ayush dated 13th October 2023 which has been extracted hereunder:-

"I am directed to refer to your letter No.27-36/2023/CCRS/Estt. dated 10.10.2023 on the subject mentioned above and your email communication dated 12.10.2023 and to say that Secretary (Ayush) has approved transfer of Shrei K.Vasudevan, Administrative Officer from CCRS Headquarters Chennai to SCRUI Bengaluru with the post.

2. The draft Counter Affidavit sent by CCRS is also returned herewith duly vetted by Legal Consultant of this Ministry and approved by Secretary (Ayush). "

11. The bye-laws itself states that it is the guidelines for transfers. Therefore, such guidelines would not have statutory force. The opening phrase in Clause 48 would clearly indicate that **"in order to have transparency in transfers in the Central Council, the following guidelines shall be applicable"**. Therefore, the guidelines for transfers remain only as guidelines for issuance of transfer order, but, such guidelines would not provide an absolute right to the employees to challenge the administrative transfers. As stated about place and post can never be the choice of an employee. It is in the best interest of



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administration, the Authorities have to take decision and such decision if necessary may be reviewed by the higher Authorities and transfer *per se* would not provide cause for institution of legal proceedings.

12. Therefore, this Court has to consider the reasons stated in the order of transfer. The learned Additional Solicitor General of India drew the attention of this Court with reference to the record on events happened in the meeting on 04.08.2023 regarding misbehaviour & insubordination of Sri.K.Vasudevan / 1st respondent, Administrative Officer. During the course of meeting, the Authorities found the performance of the 1st respondent was not satisfactory and he has committed misconduct, misbehaviour and insubordination, for which disciplinary actions are proposed to be initiated by the Director General. The transfer order also speaks about the pending initiation of disciplinary proceedings in connection with the arrogant behaviour and insubordination and lack of devotion noticed by the Director General during the conduct of review meetings.

13. Therefore, the transfer in the present case, has not been issued as penalty. The Director General during the course of conduct of meeting noticed certain misconduct and in the best interest of the administration,



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the Director General thought fit and issued the order of transfer and thereafter sought permission from the higher Authorities for initiation of disciplinary proceedings in connection with the alleged arrogant behaviour & insubordination and lack of devotion to public duties. Therefore, the Director General has not yet initiated disciplinary proceedings, but, sought for permission from the higher Authorities, for initiation of disciplinary proceedings, since she is holding the post of Director General (Additional Charge).

14. During the pendency of permission to be granted by the higher Authority for initiation of disciplinary proceedings, the Director General thought fit to transfer the 1st respondent to Bengaluru along with the post, since no post of Administrative Officer was available at Benagluru. The order of transfer has been approved/ sanctioned by the Government of India. Since the Government of India, Ministry of Ayush sanctioned transfer order, the CAT ought not to have interfered with the order of an administrative transfer issued in the interest of public administration and to maintain efficiency in administration.

15. The learned counsel for the 1st respondent would submit that the Director General has no authority to transfer. The Director General is in-



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charge of entire administration of Central Council of Research in Siddha at Chennai and she is the head of the Institution at Chennai. Therefore, she is conferred with powers to run the administration efficiently and accordingly, issued the transfer order, which has been subsequently approved by the Government of India, Ministry of Ayush.

16. That being the factum, there is no irregularity in issuance of transfer order transferring the 1st respondent from Chennai to Bengaluru. The CAT has merely proceeded on the basis of the guidelines which has no statutory force. Therefore, this Court is unable to sustain the reasoning given by the CAT for assailing the order of transfer.

17. Thus the impugned order of the Central Administrative Tribunal in O.A.No.736 of 2023 dated 07.05.2024 is set aside and the Writ Petition stands **allowed**. No costs. consequently, the connected miscellaneous petition stands closed.

(S.M.S,J.) (C.K,J.)
09.12.2025

Index: Yes / No
Internet: Yes / No
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To:

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Union of India,
Ministry of Ayust,
Ayush Bhawan, B Block,
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