



W.P.(MD).No.3410 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3410 of 2025

and

W.M.P.(MD)No.2424, 2425 & 4698 of 2025

Murugeswaran

... Petitioner

-VS-

1. The Engineer in Chief,
Office of the Engineer-In-Chief,
Public Works Department,
PWD Campus,
Chepauk,
Chennai 600 005.

2. The Chief Engineer,
Office of the Chief Engineer,
Public Works Department,
Madurai Region,
PWD Campus, Thallakulam,
Madurai 625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records connected with the Impugned Order issued by the respondent No.1 in N.S2(1)/005559/2025-1 dated 29.01.2025 and quash the same as illegal.



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For Petitioner : Dr.R.Alagumani

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned transfer order issued by the first respondent in N.S2(1)/005559/2025-1 dated 29.01.2025

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner was appointed as 'Junior Assistant cum Typist' in temporary post on 26.06.1996 in the Public Works Department at Theni District and in the year 2016, he was promoted to the post of 'Superintendent' and he was transferred to Sivagangai District in the year 2018 and finally, he was transferred to Madurai District on 13.02.2024. It is the case of the petitioner that within a span of one year, he was transferred to Devakottai vide the impugned order dated 29.01.2025. Challenging the said transfer order, the petitioner is before this Court.



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4. The contention of the petitioner is that his children are studying 11th and 9th standard in Theni District and transfer was made in the middle of academic year, which will affect the children's education and within a span of one year, the impugned transfer order was passed. Due to the petitioner's health condition, he finds difficulty to travel such a long distance. Hence, he seeks for quashment of the impugned order.

5. The learned Special Government Pleader appearing for the respondents submits that no public or Government servant has any legal right to be posted at any particular place, since transfer of a Government servant from one place to another is not only a condition of service, but incident of service and hence, he urged this Court to dismiss the writ petition.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. The Hon'ble Supreme Court, in the case of ***Registrar General, High Court of Judicature of Madras vs. R. Perachi*** reported in ***(2011) 12 SCC 137***, has held that the provision of reasons in the transfer order, including



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reference to the alleged misconduct or complaints against the employee concerned, would not *per se* lead to the conclusion that the transfer is punitive and the relevant portion of the judgment reads as follows:-

“(c) The administrative exigencies that, in the opinion of the employer, necessitate transfer cannot be exhaustively enumerated and the court would not ordinarily substitute its view for that of the employer in such matters;

“(d) A transfer would be construed as punitive or in lieu of punishment if, in the opinion of the court, there is sufficient evidence that such transfer is intended to be the punishment for the alleged misconduct. The provision of reasons in the transfer order, including reference to the alleged misconduct or complaints against the employee concerned, would not per se lead to the conclusion that the transfer is punitive;”

8. Further, transfer is a contingency of service and the employer has full discretion to transfer the employees on administrative exigencies. The impugned transfer order was made on administrative grounds and therefore, the same cannot be questioned by the employee. It is also well settled that transfer is an incident of service and transfer on account of administrative exigencies cannot be interfered with by Courts in exercise of judicial review unless the order of transfer is found to be mala fide.



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9. In view of the above observations, this writ petition is dismissed.

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No costs. Consequently, connected miscellaneous petitions are closed.

23.06.2025

NCC : Yes/No
Index : Yes / No
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TO:-

1. The Engineer in Chief,
Office of the Engineer-In-Chief,
Public Works Department,
PWD Campus, Chepauk,
Chennai 600 005.
2. The Chief Engineer,
Office of the Chief Engineer,
Public Works Department,
Madurai Region, PWD Campus,
Thallakulam, Madurai 625 002.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.3410 of 2025

Dated:
23.06.2025