



W.P.(MD).No.14352 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14352 of 2025

and

W.M.P.(MD)No.10540, 10541 & 10542 of 2025

M.Kasirajan

... Petitioner

-vs-

1. The Commissioner,
Department of Geology and Mining,
Industrial Estate, Guindy
Chennai - 600 032.

2. The Assistant Director,
Department of Geology and Mining,
Tirunelveli,
Tirunelveli District.

3. The Deputy Director,
Department of Geology and Mining,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in impugned transfer order in Na.Ka.No.07/P.M.2/2025 - 1, dated 16.05.2025 and to quash the same as illegal and directing the respondents 1 to 3 to permit the petitioner to continue his service as Junior Assistant in the office of the 2nd respondent.



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For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.K.Balasubramani

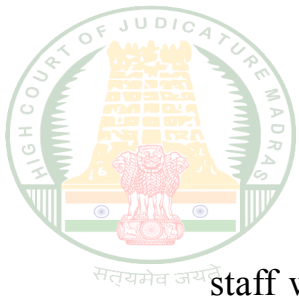
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned transfer order issued by the 1st respondent in in Na.Ka.No.07/P.M.2/2025 - 1, dated 16.05.2025 and seeking a direction to the respondents 1 to 3 to permit the petitioner to continue his service as Junior Assistant in the office of the 2nd respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner got compassionate appointment on 22.01.2020 to the post of Junior Assistant in the respondent Department and his service was regularised in the year 2022. The petitioner served in the respondent Department at Chennai, for a period of five years and thereafter, at his request for transfer to native place, he was transferred to the second respondent office on 04.04.2025. At the time of joining, an enquiry was going in the said office and based on the said enquiry report, two officers were suspended and three



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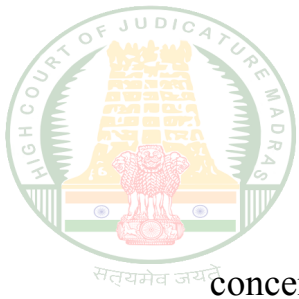
staff were transferred including the petitioner. Challenging the said transfer order, the petitioner is before this Court.

4. The contention of the petitioner is that the petitioner is working in major mines section. However, the issue arose only in minor mines section and therefore, the petitioner is noway connected with the said allegations.

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 reference to the alleged misconduct or complaints against the employee



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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.

03.06.2025

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

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VIVEK KUMAR SINGH, J.

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Order made in
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