



W.P.(MD).No.17876 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17876 of 2025

and

W.M.P.(MD)No.13685 & 13686 of 2025

V.Loganathan

... Petitioner

-vs-

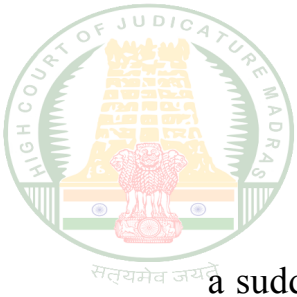
1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Chennai House,
Chennai 600 104.

2. The Regional Deputy Director (I/C),
Khadi and Village Industries,
Madurai,
Madurai District.

3. The Assistant Director,
Khadi and Village Industries,
Tirunelveli,
Tirunelveli District.

... 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 pertaining to the impugned order of punitive transfer in Na.Ka.No. 1685/E2(2)/2025, dated 21.06.2025 on the file of the Respondent No.1 and quash the same as illegal, since the transfer from Tirunelveli to Thirupur all of



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a sudden without any counselling process, is highly arbitrary and illegal, and
quash the same as illegal.

For Petitioner : Mr.S.Louis

For Respondents : Mr.C.Rajakumar

ORDER

This writ petition has been filed challenging the impugned transfer order issued by the first respondent in Na.Ka.No.1685/E2(2)/2025, dated 21.06.2025.

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

3. The petitioner is presently working as 'Khadi Assistant Grade-II' at the third respondent office. All of a sudden, the impugned order of transfer has been passed transferring the petitioner from Tirunelveli to Thirupur. It is the case of the petitioner that without even any counselling, he was transferred to Thirupur vide the impugned order dated 21.06.2025. Challenging the said transfer order, the petitioner is before this Court.



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4. The learned counsel 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.

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

6. 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 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



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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;”

7. 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.

8. In view of the above observations, this writ petition is dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No
Index : Yes / No
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02.07.2025
(4/5)



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.17876 of 2025
(4/5)

Dated:
02.07.2025