



W.P.(MD)No.18411 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18411 of 2025

and

W.M.P.(MD)Nos.14127 and 14128 of 2025

P.Rajan

... Petitioner

-VS-

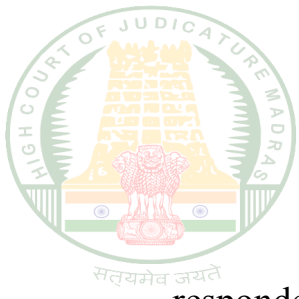
1.The Commissioner,
The Department of Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Chennai - 600 051.

2.The General Manager,
Kanyakumari District Co-operative Milk Producers Union,
Kanyakumari District.

3.The General Manager,
Madurai District Co-operative Milk Producers Union,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned transfer order issued by the first respondent Commissioner in Na.Ka.No.11739 / NB3 / 2025 dated 26.06.2025 and the consequential relieving order issued by the second



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respondent / General Manager in Rc.No.2792 / A1 / 2025 dated 27.06.2025 and quash the same.

For Petitioner : Mr.P.Muthuvel
For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R2 and R3 : Mr.J.Devasenar
Standing Counsel

ORDER

This writ petition has been filed seeking to quash the impugned transfer order issued by the first respondent / the Commissioner, in Na.Ka.No.11739 / NB3 / 2025 dated 26.06.2025 and the consequential relieving order issued by the second respondent / the General Manager, in Rc.No.2792 / A1 / 2019 dated 27.06.2025.

2. The learned counsel for the petitioner submits that the petitioner is the senior-most Driver in the second respondent Union. The transfer of the petitioner, terming him as a "surplus employee," is arbitrary and unjustified. The principle of seniority mandates that only the junior-most employee can be transferred under the surplus category. Therefore, the petitioner cannot be transferred on the ground of surplus, as he holds the most senior position.



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3. The learned counsel further submits that the impugned transfer order and the consequential relieving order are *ultra vires* and beyond jurisdiction. Both orders were issued without obtaining prior statutory sanction from the Administrative Committees of the second and third respondents, as required by the governing rules. The failure to obtain such prior approval renders the orders invalid. Further, the impugned orders were passed without giving the petitioner any notice or opportunity to be heard. This is a clear violation of the principles of natural justice. The petitioner was not provided with an opportunity to contest the transfer or to present his case before the orders were made.

4. The learned counsel also submits that the reason stated by the respondents for transferring the petitioner namely, that there is one surplus Light Vehicle Driver at the second respondent Union, is factually incorrect and misleading. The said Light Vehicle Driver, who was allegedly considered as surplus, has already retired from service and hence, there is no surplus in that category as claimed. Therefore, the transfer order and relieving order are unconstitutional, illegal and in violation of the established norms. They are not

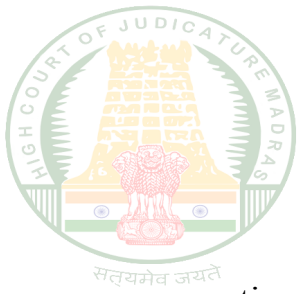


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only without jurisdiction but also fail to adhere to the principles of fairness, justice and due process required in administrative matters.

5. The learned Standing Counsel appearing for the respondents 2 and 3 submits that the petitioner P.Rajan, has been continuously working as a Light Vehicle Driver in the second respondent Union, *i.e.*, the Kanyakumari District Co-operative Milk Producers Union, since 01.01.1996. As per the present staffing position, there is one surplus Light Vehicle Driver working in the said Union. In order to rationalize manpower and ensure optimal utilization of human resources, the petitioner has been transferred on deputation basis purely for administrative reasons, in compliance with the rules in force.

6. The learned Standing Counsel further submits that the impugned transfer order has been issued under Rule 149(2A) of the Tamil Nadu Co-operative Societies Rules, 1988, which permits such transfers on administrative grounds. The rule empowers the competent authority to transfer an employee on deputation for a specified period, when such a move is warranted by administrative exigencies, including surplus staffing. The petitioner has been posted to a vacant

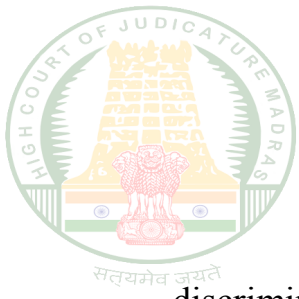


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sanctioned post of Light Vehicle Driver at the third respondent Union, namely, the Madurai District Co-operative Milk Producers Union, for a period of one year. This placement does not cause any prejudice to the petitioner, as it is neither a punitive transfer nor a demotion, but a routine administrative adjustment. The transfer is not punitive in nature and does not affect the service conditions or pay of the petitioner. As such, prior notice or an opportunity of hearing is not mandatory in routine administrative transfers, particularly, when the same is carried out in accordance with the statutory provisions. The transfer, being on deputation for a limited period, does not require a formal hearing under the principles of natural justice.

7. The learned Standing Counsel further submits that the Commissioner, who is the first respondent, is well within his jurisdiction to pass the impugned transfer order as per the relevant rules. The Administrative Committee's approval is a procedural follow-up and not a pre-condition for issuing the transfer order. The order clearly stipulates that the matter will be placed before the Administrative Committees of the second and third respondent Unions in due course, thus, complying with procedural formalities. The transfer is non-

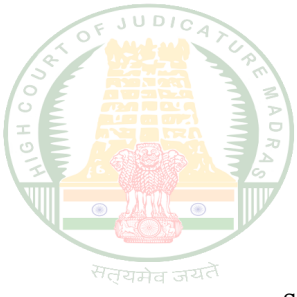


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discriminatory and purely based on the requirement to address surplus staff at one Union and vacancy at another. Therefore, the impugned transfer order is valid, lawful and within the bounds of administrative discretion. It has been issued in compliance with Rule 149(2A) of the Tamil Nadu Co-operative Societies Rules, 1988, to address surplus manpower at the second respondent Union and fill up the vacancies at the third respondent Union and therefore, the present writ petition lacks merit and deserves to be dismissed.

8. Upon considering the submissions and materials placed on record, this Court is of the considered view that the writ petition is liable to be dismissed for the following reasons:-

(i) The impugned transfer order dated 26.06.2025 has been issued under Rule 149(2A) of the Tamil Nadu Co-operative Societies Rules, 1988, which specifically empowers the competent authority to transfer employees on deputation for administrative reasons. The petitioner's transfer was made to address surplus staffing in the second respondent Union and to fill a vacant post in the third respondent Union. Such administrative transfers fall



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squarely within the scope of the said Rule and do not call for interference under Article 226 of the Constitution.

(ii) The respondents have categorically stated that there is one Light Vehicle Driver working at the second respondent Union. Determination of surplus staff is a matter of administrative policy and internal assessment, in which, this Court normally does not interfere unless there is clear evidence of malice, arbitrariness or violation of law, none of which are established in this case.

(iii) The transfer is not punitive nor does it involve any adverse consequences like demotion or reduction in pay. The petitioner continues in the same post and grade. Hence, the argument regarding violation of principles of natural justice is untenable. As held in several judicial precedents, administrative transfers do not attract the requirement of prior notice or hearing.



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(iv) The transfer is not permanent but for a limited period of one year on deputation and is clearly in public interest. Therefore, the petitioner cannot claim any indefeasible right to continue in the same Union indefinitely.

(v) It is well settled that a Government servant or employee of a public body has no vested right to remain in a particular post or location and can be transferred in the interest of administration. The petitioner, though senior, cannot claim exemption from transfer, if surplus staffing is identified by the employer.

(vi) The petitioner has not made any specific allegation of *mala fide* nor produced any material to show that the impugned orders are tainted by arbitrariness or bias. Mere dissatisfaction with the transfer or preference to remain in the current place of posting is not a valid ground for judicial review.



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9. In view of the above observations, the Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

08.07.2025
(2/2)

To:-

- 1.The Commissioner,
The Department of Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Chennai - 600 051.
- 2.The General Manager,
Kanyakumari District Co-operative Milk Producers Union,
Kanyakumari District.
- 3.The General Manager,
Madurai District Co-operative Milk Producers Union,
Madurai District.



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VIVEK KUMAR SINGH, J.

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