

(1999) 11 MAD CK 0023

In the Madras High Court

Case No : Writ Petition No. 19103 of 1998 and W.M.P. No's. 28983 of 1998 and 16480 of 1999

Chellaswamy K.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 01-11-1999

Acts Referred:

Citation : (2000) 85 FLR 15 : (2000) 2 LLJ 1308 : (2000) 1 MLJ 182

Hon'ble Judges : N.V. Balasubramanian, J;N.K. Jain, J

Bench : Division Bench

Advocate : K.M. Ramesh, for the Appellant; M. Velusamy, for the Respondent

Final Decision : Dismissed

Judgement

Jain, J.—This writ petition is filed by the petitioner challenging the order, dated November 17, 1998, passed by the Central Administrative

Tribunal in O. A. No. 529 of 1998, whereby the petitioner praying to quash the order of transfer was rejected.

2. The petitioner submits that he is the General Secretary of the Tamil Nadu Employees Provident Fund Physically Handicapped Staff Welfare

Association, Chennai, and is working with the third respondent. He is physically handicapped upto 65 per cent It is submitted that he has been

promoted as Section Supervisor on December 9 1997, and was transferred to Sub Regional Office, Salem, without following the norms. He gave

a representation on June 11, 1998 and the said transfer was withdrawn. But, on June 18, 1998, the third respondent refused the request of the

petitioner for retention and directed him to report for duty at Salem. This order of transfer is under challenge.

3. The Tribunal, on consideration finding that as per the scheme of rotational transfer, introduced in the year 1978, one is required to serve in a

Sub-Regional Office once in three years, for one year, that the officer was transferred on promotion and that after completion of one year, he can

be brought to Chennai, has not interfered with the order of transfer.

4. Learned counsel for the petitioner mainly contended that the petitioner is a handicapped person of 65 per cent and without following the norms,

he has been transferred. According to the learned counsel, that handicapped persons like that of petitioners should not be transferred as per the

office memorandum of the Government of India, dated May 10, 1990.

5. On the other hand, Sri M. Velusamy learned counsel submitted that after promotion, as Section Supervisor, he can be transferred to any other

place, on administrative exigency and that too, on rotational transfers, for one year. It is further submitted that by the impugned order, along with

petitioner, so many persons were transferred, and by one reason or the other, the petitioner has managed as not to be given effect to the order of

transfer, and the Tribunal has rightly dismissed the petition of the petitioner.

6. We have heard the learned counsel appearing on both sides and perused the materials on record. Transfer is an exigency of service and the

same cannot be challenged unless it is tainted with mala fide or passed in violation of any statutory rule. In the instant case, no mala fide has been

alleged. A perusal of the guidelines also reveals that there is no embargo to transfer such handicapped persons. At the most, he can be sent to the

native place. But the petitioner cannot insist upon being sent to his native place even on transfer on promotion, and as it has no statutory force, it

cannot be challenged. So we find no error or illegality in the order of the Tribunal. Learned counsel for the petitioner now relied on the judgment in

SLP (Civil) No. 15475 of 1987, dated March 25, 1988. On consideration, we find that this case is not applicable to the facts of the present case.

The writ petition is, therefore, dismissed. Interim order granted, is discharged. Consequently, connected W.M.Ps, are also dismissed. No costs.