

(2016) 10 MAD CK 0031

In the Madras High Court

Case No : Writ Appeal No. 1266 of 2016 and C.M.P. No. 16367 of 2016

P. Premkumar

APPELLANT

Vs

The Executive Director RS(SR) Indian Oil Corporation Limited

RESPONDENT

Date of Decision : 25-10-2016

Acts Referred:

Citation : (2017) LabLR 294

Hon'ble Judges : Mr. Huluvadi G. Ramesh and Mr. V. Parthiban, JJ.

Bench : Division Bench

Advocate : Mr. Anand Gopalan for M/s. T.S. Gopalan and Co, for the Respondent; Dr. Fr. A. Xavier Arulraj, Senior counsel for Mr. G. Muthuarasu, Advocate, for the Appellant

Final Decision : Disposed Off

Judgement

Mr. Huluvadi G. Ramesh, J. - Heard DR. Fr. A. Xavier Arulraj, learned Senior counsel appearing for the appellant and Mr. Anand Gopalan, learned counsel for the respondent-Indian Oil Corporation Limited.

2. The present Writ Appeal is filed as against the order passed by the learned Single Judge dated 01.09.2016, dismissing the writ petition, wherein, the petitioner challenged the transfer order dated 28.07.2016 on the grounds of malice.

3. It is stated by the appellant/petitioner that he sought for transfer from Aviation Department on medical grounds, however, the respondent transferred him to Madhavaram, which is situate in the outskirts of the City and as such he was made to travel 32 kms from his residence to reach his office daily.

4. As pointed out by the learned Single Judge, the appellant/petitioner was transferred from one department to the other within the City of Chennai and the transfer of an employee from one department to another is the prerogative of the employer and this court cannot interfere with the same unless it is shown that such order of transfer is passed as a measure of punishment or due to a

malafide intention on the part of the employer.

5. Even though various reasons have been attributed to the transfer of the appellant, we do not find any ground to interfere with the order of the learned Single Judge or the impugned order of transfer since an order of transfer is an incident of Government service and therefore, there is no scope for reconsidering the same to the place of convenience of the appellant.

6. Insofar as the domestic enquiry said to have been initiated against the appellant in respect of the allegations of unauthorized absence is concerned, since it is stated by the appellant that he is suffering from Bilateral Arthritis and back pain, the Enquiry Officer, shall try to accommodate him to suit the place of his convenience at the time of enquiry, so that there would not be any other difficulty caused to the appellant.

7. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected CMP. No. 16367 of 2016 is closed.