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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WP Nos. 25733, 25913 & 25927 of 2026

and

WMP Nos. 28297, 28121 & 28311 of 2026

W.P.No.25733 of 2026

1. Union of India
Rep by the Divisional Railway Manager,
East Railway Colony, Suramangalam,
Salem, Tamilnadu.
2. Divisional Railway Manager
DRM Complex, Southern Railway,
Theycaud, Thiruvananthapuram.
Kerala.

..Petitioner(s)

Vs

Ambily K.M
W/o.Biulal Ben,
No.13-A, Swami Illam,
Old Employment Via,
Opp to Diesel Loco Shed,
Erode.

..Respondent(s)

WP No. 25913 of 2026

1. Union of India
Rep by the Divisional Railway Manager,
East Railway Colony,
Suramangalam,
Salem, Tamilnadu.
2. Divisional Railway Manager
DRM Complex Southern Railway,
Theycaud,
Thiruvananthapuram



..Petitioner(s)

Vs

Akhil A R,
S/o Ramesh
No.57/9, NPMA Building,
Perumal Kadu Road,
Opp to Diesel Loco Shed,
Erode.

..Respondent(s)

W.P.No.25927 of 2026

1. Union of India
Rep by the Divisional Railway Manager,
East Railway Colony,
Suramangalam,
Salem
Tamilnadu

2. Divisional Railway Manager
DRM Complex Southern Railway,
Theycaud,
Thiruvananthapuram.

..Petitioner(s)

Vs

Vishnu Das
S/o.Sudhakaran
No.474D, 8th Road
Railway Colony
Erode

..Respondent(s)

W.P.No.25733 of 2026

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the Order of the Learned, Central Administrative Tribunal, Chennai Bench dated 28.11.2025 in O.A.847/2025 on the file of the Central Administrative Tribunal Chennai Bench and Quash the same.

**WP No. 25913 of 2026**

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the Order of the Learned, Central Administrative Tribunal, Chennai Bench dated 28.11.2025 in O.A.848/2025 on the file of the Central Administrative Tribunal Chennai Bench and Quash the same.

WP No. 25927 of 2026

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the Order of the Learned, Central Administrative Tribunal, Chennai Bench dated 28.11.2025 in O.A.846/2025 on the file of the Central Administrative Tribunal Chennai Bench and Quash the same

WP No. 25733 & 25927 of 2026

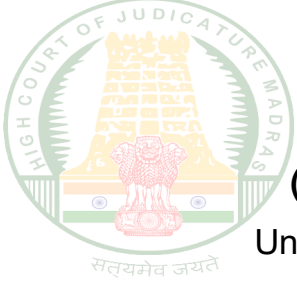
For Petitioner(s): Mr.AR.L.Sunderasan
Additional Solicitor General,
Government of India,
assisted by
Mr.S.Janarthanam, Senior Panel Counsel

For Respondent(s): Mr.S.Conscious Ilango

WP No. 25913 of 2026

For Petitioner(s): Mr.AR.L.Sunderasan
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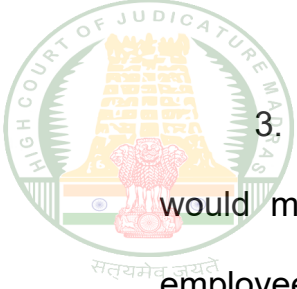
For Respondent(s): Not ready in notice -proof not filed

**Common Order****(Order of the Court was made by S.M.Subramaniam J.)**

Union of India filed the present writ petitions challenging the order of the

Central Administrative Tribunal , Chennai Bench, dated 28.11.2025 passed in O.A.Nos.847, 848 & 846 of 2025.

2. The facts in brief are that the respondents are working as Technicians Grade-I (Mechanical) at Erode Diesel Loco Shed, Salem District. They applied for a request transfer from Salem Division to Tiruvananthapuram Division. Inter-Divisional transfer applications were approved by the Divisional Railway Manager, who is the competent authority on 09.05.2024 and forwarded to the recipient unit, Divisional Railway Manager Thiruvananthapuram. Considering the application, the Divisional Railway Manager, Thiruvannanthapuram, approved the request of the respondents for Inter-Divisional transfer on bottom seniority on 09.08.2024. However, the 1st respondent had taken a decision not to relieve the respondent from the present Unit at Erode of Salem Division. Thus, the Original Applications came to be filed by the respondents seeking a direction to relieve them from Erode to Salem Division within a time to be fixed by the Tribunal. The Tribunal, adjudicated the issues and directed the Divisional Railway Manager, Salem, to relieve the respondent before 28.02.2026. The said orders came to be challenged in the present writ petitions by the Union of India.



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3. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India would mainly contend that transfer cannot be claimed as a right by the employee. No doubt, inter-divisional transfer application was considered by the recipient unit at Thiruvannathapuram and an order was passed but there was an acute shortage of technical staff in Salem Division which has resulted in taking a decision by the competent authority at Salem, not to relieve the respondents from Salem and the same was approved by the competent authority. It is an administrative decision taken in the interest of the Railway administration. Therefore, the order of the Tribunal may cause prejudice to the interest of Railway Administration and its effective functioning. Large number of vacancies on technical side is vacant in Salem Division. If the respondents are relieved, it would be very difficult for the Salem Division to run the administration. Despite the fact that these difficulties cannot be expressed before the Tribunal, it was not considered. Therefore, the present writ petitions had been instituted.

4. Mr.S.Conscious Ilango, learned counsel for the respondent would oppose by stating that the guidelines are issued by the Ministry of Railways that on approval of transfer, the employee concerned is to be relieved. In view of the fact that the guidelines are violated, Original Applications came to be filed. The Tribunal, in accordance with the guidelines issued by the Ministry of Railways directed the authorities to relief the respondents and thus, there is no infirmity. Inter-divisional transfer application was submitted in accordance



with the procedures contemplated. The competent authorities approved the inter-divisional transfer. While so, there is no reason to withheld the transfer orders by not relieving the respondent from the present post at Erode, Salem Division.

5. This Court has considered the rival submissions made between the parties to the lis on hand.

6. The governing principles on transfers are that :

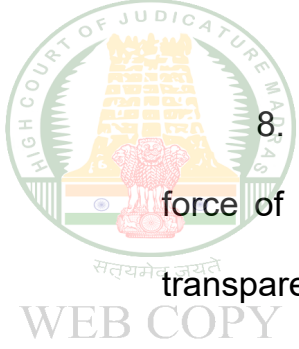
(i) Transfer is an incidental to service, more so, conditions of service.

(ii) Transfer can never be claimed as a vested right.

(iii) Transfer is not a part of service right, since it is a condition of service.

(iv) Place or post can never be the choice of an employee. It is for the administration to post an employee in a place or post in the interest of public administration. Therefore, the transfer *per se* would not provide a cause nor constitute a right.

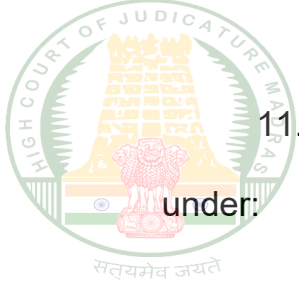
7. An order of transfer or not effecting the transfer can be challenged only on the limited ground of malafide or such decisions are taken by an incompetent authority.



8. In the matter of transfers, the guidelines issued would not have the force of law. The transfer guidelines are issued by the Ministry to maintain transparency and consistency by the competent authorities while effecting transfers. Therefore, transfer policy or guidelines would not confer any right nor would have the force of law.

9. The transfer guidelines cannot be the sole criteria for grant of relief by the Courts. The Courts are not expected to interfere with the routine administration of the Government Department. It is the prerogative of the administration to effect transfers in the interest of public administration. Frequent interference by the Courts in the matter of transfers, undoubtedly, would cause prejudice to the administration in running the same in an effective manner.

10. Coming to the facts of the case, based on the policy of inter-divisional transfer, the respondents filed an application, the competent authority from both the places approved the transfer order. However, the Salem Division authority has not relieved the respondents on the ground that there is dearth of technical staff in Salem Division. In the event of relieving the respondent from Salem division, the routine maintenance work in Salem division would suffer. Therefore, not issued the relieving order which resulted in filing of the Original Applications before the Central Administrative Tribunal.



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11. Rule 226 of Indian Railway Establishment Code Volume-I reads as under:

226. Transfers: *Ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. In the exigencies of service, however, it shall be open to the President to transfer the railway servant to any other department or railway or railway establishment including a project in or out of India. In regard to Group C and Group D railway servants, the power of the President under this rule in respect of transfer, within India may be exercised by the General Manager or by a lower authority to whom the power may be re-delegated.*

12. Rule stated above in unambiguous terms reiterates that a Railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment shall have no claim of right for transfer to another railway or another establishment. When the rule clarifies that the transfer cannot be claimed as a matter of right and incidental to service, any other concession or facility provided for inter-divisional transfer or transfer to any other post or place is only the discretion of the authority to be considered in the interest of administration.



13. In the present case, though an order of transfer is not under challenge, the prayer sought for is to relieve the respondents from Erode, Salem Division enabling them to join at Thiruvannathapuram. That part, non-issuance of relieving order is due to administrative grounds in the present case and on account of dearth of technical staff in Salem Division as stated by the Railway administration.

14. The Central Administrative Tribunal has considered the issues mainly on the ground that the approval of transfer order has conferred a right to the respondents. Therefore, the respondents are entitled to get the relieving order. Such a finding is not in consonance with the legal principles to be followed in the matter of transfers, issuance of relieving order or all connected issues relating to transfers.

15. In view of the discussions made above, the impugned orders passed by the Central Administrative Tribunal dated 28.11.2025 in O.A.Nos.847, 848 & 846 of 2025 are set aside. The Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.G.R.,J.)
14-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vsi

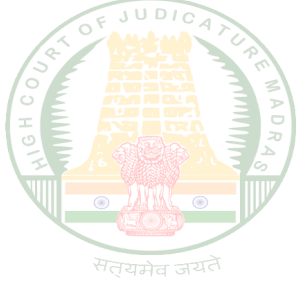


To

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Union of India
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**S.M.SUBRAMANIAM J.
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