

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16654 of 2015
and
M.P.Nos.1 and 2 of 2015

A.Madesh

.. Petitioner

.. Vs ..

1. The Secretary,
State of Tamil Nadu,
Transport Department,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Managing Director,
The Tamilnadu State
Transport Corporation
(Coimbatore) Ltd. Head Office,
37, Mettupalayam Road,
Coimbatore-641 043.
3. The Branch Manager,
The Tamilnadu State Corporation
(Coimbatore) Ltd.,
Erode Division, 3rd Branch
Chennimalai Road, Kasipalyam,
Erode-638 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in No.16175 on the file of 3rd Respondent dated 11.03.2015 and quash the same as illegal, arbitrary and consequently direct the Respondents to restore the petitioner at the place held by the petitioner.

For Petitioner : Mr.P.Kalimuthu
For Respondents: Mr.P.Kannan Kumar

ORDER

This writ petition has been filed by the petitioner praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned transfer order in No.16175 on the file of third respondent dated 11.03.2015 and quash the same as illegal, arbitrary and consequently direct the respondents to restore the petitioner at the place held by the petitioner.

2. The case of the petitioner is that he was working as a Driver under the third respondent Corporation and now he is sought to be transferred in the middle of the Academic year by the order dated 11.03.2015 from Erode to Udumalpet. According to him, his elder daughter is studying in a School. It is also stated that the wife of the petitioner was also admitted in the hospital for her second delivery and she gave birth to a child in February 2015. The petitioner also suffered typhoid fever. In these circumstances, he had filed this writ petition to quash the transfer order.

3. Heard Mr.P.Kalimuthu, learned counsel appearing for the petitioner and Mr.P.Kannankumar, learned counsel appearing for the respondents.

4. Taking into account the aforesaid facts, I am of the view that the writ petition could be disposed of by modifying the transfer order giving effect to from 01.07.2015 i.e., he is transferred from Erode to Udumalpet with effect from 01.07.2015. The respondents Corporation are directed to treat the period as duty and pay salary for this period. If the petitioner fails to join in the transferred place on 01.07.2015, the respondents Corporation are at liberty to proceed against the petitioner in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrl
To

1. The Secretary,
State of Tamil Nadu, Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
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(Coimbatore) Ltd. Head Office,
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3. The Branch Manager,
The Tamilnadu State Corporation (Coimbatore) Ltd.,
Erode Division, 3rd Branch
Chennimalai Road, Kasipalyam,
Erode-638 001

+1cc to Mr.P. Kalimuthu, Advocate, S.R.No.28788
+1cc to Mr.P. kannan Kumar, Advocate, S.R.No.29158

(CO)
EU(/06/2015)

W.P.No.16654 of 2015