

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16676 of 2015 and
M.P.No.1 of 2015

1.P.Kamaraj
2.S.S.Velu
3.P.Thangavelu
4.M.Ganesan

...Petitioners

vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation (TNSTC)
No.12, Ramakrishna Road,
Salem - 636 007.

2.The Branch Manager,
Tamil Nadu State Transport
Corporation (Salem Divisional - I),
Edapadi Branch, Edapadi, Salem.

3.Branch Manager,
Tamil Nadu State Transport
Corporation (TNSTC),
Johnson Pettai Branch,
Jhonson Pettai - I,
Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari calling for the records comprised in proceeding No.E2/81/TNSTC (Salem)/2015 dated 26.05.2015 on the file of the General Manager TNSTC (Salem)/1st respondent and to quash the same.

For Petitioners: Mr.V.Ayyadurai
For Respondents: Mr.P.Kannan Kumar,
Standing Counsel

O R D E R

Mr.P.Kannan Kumar, learned Standing Counsel takes notice for the respondents.

2.By consent of both parties, the writ petition is taken up for disposal as the matter lies in a narrow compass.

3.The petitioners are Drivers employed in the respondent Corporation. They are sought to be transferred by the impugned order dated 26.05.2015 from Edapadi to Jhonsonpettai. The petitioners have filed this writ petition seeking to quash the aforesaid impugned transfer order.

4.The learned counsel for the petitioners has submitted that the seniority is not followed while effecting transfer. Secondly, he has submitted that before making transfer, no willingness or consent is obtained from the employees concerned. Thirdly, he has submitted that since, the petitioners belong to the Union of the opposition party, they are transferred.

5.I am not inclined to agree with the submissions made by the learned counsel for the petitioners. In the matter of transfer, employer cannot be asked to follow the seniority and it is a different matter, if there is any retrenchment or deployment. Further, it is not necessary to get willingness or consent from the employees, who are sought to be transferred. The distance between Edapadi and Johnsonpettai is about 50 kilometers. Furthermore, though, an allegation is made that the petitioners belong to the union of the opposition party, no specific allegations are made. It is also not the case of the petitioners that they are the office bearers of the Union of the opposition party. It is simply stated that they are active members of the Union. Hence, I am not inclined to interfere with the impugned order of transfer.

6.In the result, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

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To

1.The General Manager,
Tamil Nadu State Transport
Corporation (TNSTC)
No.12, Ramakrishna Road,
Salem - 636 007.

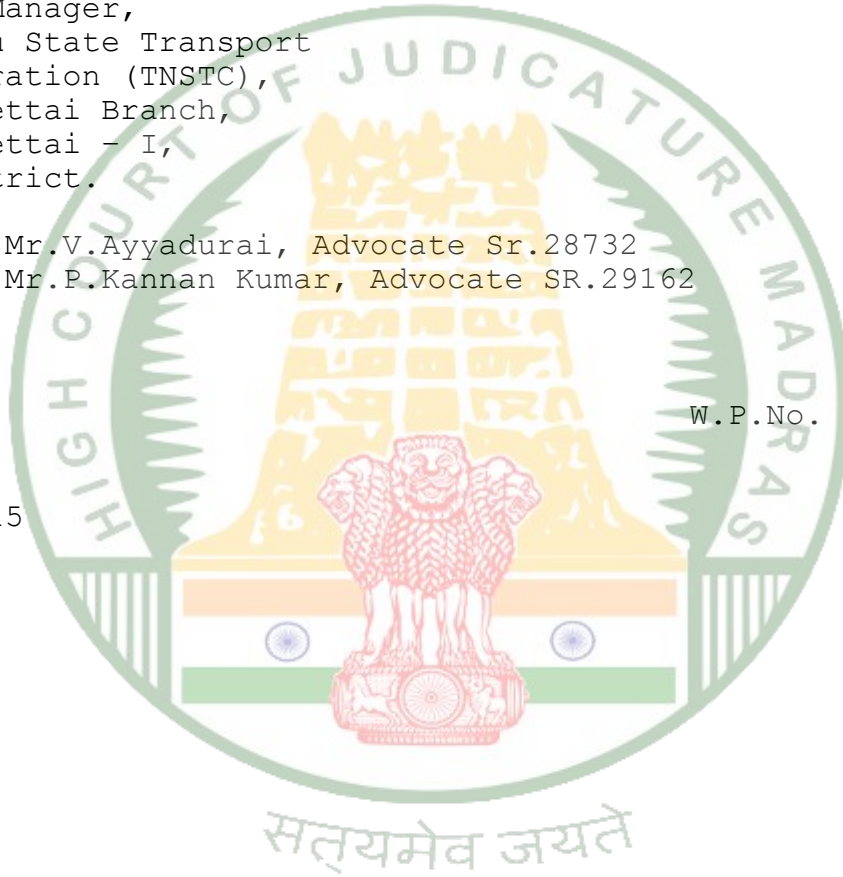
2.The Branch Manager,
Tamil Nadu State Transport
Corporation (Salem Divisional - I),
Edapadi Branch, Edapadi, Salem.

3.Branch Manager,
Tamil Nadu State Transport
Corporation (TNSTC),
Johnson Pettai Branch,
Jhonson Pettai - I,
Salem District.

+ 1 cc to Mr.V.Ayyadurai, Advocate Sr.28732
+ 1 cc to Mr.P.Kannan Kumar, Advocate SR.29162

W.P.No. 16676 of 2015

UG(CO)
Eu 22.06.15



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