

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21030 of 2015

and M.P.Nos.1 and 2 of 2015

R.Bala Krishnan

... Petitioner

-Versus-

- 1.The Secretary,
Transport Department,
Tamil Nadu Government,
Chennai 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division,
No.21, Ramakrishna Road,
Salem-7.
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,
No.21, Ramakrishna Road,
Salem-7.
- 4.Mr.Sivamani,
Assistant Manager,
A.M.Material Corporate,
Parcel Department - Branch,
Tamil Nadu State Transport Corporation,
Salem Division,
No.21, Ramakrishna Road,
Salem-7.
- 5.The Branch Manager,
Mettur Depot,
Tamil Nadu State Transport Corporation,
Salem Division,
No.21, Ramakrishna Road,
Salem-7.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 5th respondent in transfer order dated 28.04.2015 and to quash the same and consequently direct the 5th respondent to reinstate the petitioner in Technical Department as a Welder.

For petitioner : Mr.T.R.Udaya Kumar for
M/s.UGASS Associates

For Respondents : Mr.S.Gunasekaran, GA for R1
Mr.P.Kannan Kumar for R2, R3 & R5

ORDER

The petitioner is working as a Welder in the respondent corporation at Mettur Depot, Salem District. The grievance of the petitioner is that by way of impugned intra departmental order of transfer some other work, other than the welding work, is sought to be assigned to him. Challenging the impugned order of transfer and for a consequential relief, the petitioner is now before this court with this writ petition.

2. I have heard Mr.T.R.Udaya Kumar, the learned counsel for the petitioner; Mr.S.Gunasekaran, the learned Government Advocate, who takes notice for the 1st respondent, and Mr.P.Kannan Kumar, the learned counsel, who takes notice for the respondents 2, 3 and 5 and also perused the records carefully. No notice is ordered to the 4th respondent as this order will not in any manner be prejudicial to the interest of the 4th respondent.

3. The learned counsel for the petitioner would submit that the petitioner is an active member in the trade union and in order to victimize him, the 5th respondent has passed the intra departmental transfer order by posting the petitioner from Technical Department to Mechanical Department, which is arbitrary and against the settled principles of law.

4. Mr.P.Kannan Kumar, the learned counsel for the respondents 2, 3 and 5 would stoutly oppose this writ petition and would state that the petitioner has not been transferred either to administration or operation department and as such this writ petition is liable to be dismissed.

5. In the impugned order of transfer, nowhere it is stated that the petitioner has been assigned with different work, other than the welding work. When this court posed a query to the learned counsel for the petitioner in this regard, he is not in a position to answer to the same. Hence, this court is not inclined to entertain

this writ petition. However, the respondent corporation shall not assign any work to the petitioner other than the work related to welding as he has been appointed as a welder.

6. In the result, this writ petition is dismissed at the admission stage itself, however, with the above observations. No costs. Consequently, connected MPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk
To

- 1.The Secretary, Transport Department, Tamil Nadu Government, Chennai 600 009.
 - 2.The Managing Director, Tamil Nadu State Transport Corporation, Salem Division, No.21, Ramakrishna Road, Salem-7.
 - 3.The General Manager, Tamil Nadu State Transport Corporation, Salem Division, No.21, Ramakrishna Road, Salem-7.
 - 4.The Assistant Manager, A.M.Material Corporate, Parcel Department - Branch, Tamil Nadu State Transport Corporation, Salem Division, No.21, Ramakrishna Road, Salem-7.
 - 5.The Branch Manager, Mettur Depot, Tamil Nadu State Transport Corporation, Salem Division, No.21, Ramakrishna Road, Salem-7.
- +1 cc to Mr.P.KannanKumar, Advocate sr.36144
+1 cc to the Government Pleader sr.35710
+1 cc to Mr.T.R.Udayakumar, Advocate sr.35555

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