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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.8335 of 2015

and

M.P (MD) No.1 of 2015

A.Sahayaraj

... Petitioner

Vs.

1.The Management of Tamil Nadu State
Transport Corporation (Madurai) Limited,
Dindigul Region,
Rep. By its General Manager,
Dindigul.

2.The Branch Manager,
Dindigul Town - II Branch of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.

3.The Branch Manager,
CFC/RC Unit Branch of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent relating to the relieving order of the 2nd respondent, dated 14.05.2015 passed in Ref: Branch DGL-II, No.SPL directing the petitioner to report for work at Palani Branch, quash the same and consequently direct the respondents to treat him to have joined duty at the 3rd respondent branch in pursuant to the order of transfer, dated 07.05.2015 of the 1st respondent and the relieving order of the 2nd respondent, dated 13.05.15 and also to treat the period from 15.05.2015 to the date of permitting him to rejoin duty at the 3rd respondent branch as his duty period for all purpose along with pay and other consequential benefits and award cost.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.C.Elaman

ORDER

The impugned order has been challenged by Mr.A.Sahayaraj, by which, he has been relieved from Palani.



2. The grievance of the petitioner is that when he was transferred from Dindigul to Palani on 02.05.2015, suddenly he was transferred by means of another order, dated 07.05.2015 within Dindigul, namely from CFC-DGL-II place to CFC-RC Unit.

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3. When the petitioner joined duty, as per the transfer order, dated 07.05.2015, on 14.05.2015, suddenly to his surprise he was served with the present impugned relieving order. As the petitioner is having school going children, the impugned relieving order should be stayed. But this Court is unable to accept the contention of the petitioner. The reason being that when the petitioner was transferred from Dindigul to Palani, by order dated 02.05.2015, till date, he has not challenged the said transfer order. Secondly, when he was again transferred by another order, dated 07.05.2015 posting him at Dindigul, he has not challenged the same. The petitioner now being visited with the relieving order, which he is not legally entitled to challenge as it is only the consequential relieving order, the Writ Petition fails and the same is dismissed.

4. At this juncture, the learned counsel for the petitioner requested this Court to direct the first respondent to consider the pending representation, dated 16.05.2015, in view of the fact that the school going children would face more inconvenience. Therefore, it is made clear that the dismissal of the Writ Petition will not come in the way of the first respondent to consider the pending representation, dated 16.05.2015. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(VO)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
The Management of Tamil Nadu State
Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.
2. The Branch Manager,
Dindigul Town - II Branch of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.
3. The Branch Manager, CFC/RC Unit Branch of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.

+1cc to Mr.S.Arunachalam, Advocate Sr.No.25936

ps