

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.14167 of 2016
& W.M.P.No.12397 of 2016

K.Ravikumar

.. Petitioner

Vs.

1.The Branch Manager,
Ambattur Depot,
Metropolitan Transport Corporation
[Chennai] Ltd.,
Ambattur, Chennai - 600 058.

2.The General Manager [North],
Metropolitan Transport Corporation
[Chennai] Ltd.,
Aynavaram, Chennai - 600 023.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of prohibition, prohibiting the first and second respondent from relieving or transferring or changing the service condition of the petitioner without written order.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.Paramasivadoss
Senior Counsel

सत्यमेव जयते
O R D E R

This Writ Petition has been filed to issue a Writ of Prohibition, to prohibit the respondents 1 and 2 from relieving or transferring or changing the service condition of the petitioner without written order.

2.The petitioner joined service as Junior Tradesman in the year 1994 at Perambur Depot. He was transferred to Head Office Accounts Section at Ayanavaram on 30.05.1995 and further transferred to Ambattur Depot on 21.12.2005 as Cash in-charge with Bank cashier. On 07.04.2016, the second respondent informed the petitioner to report duty at Ayanavaram Depot FC unit. According to the petitioner, he sent a letter to the first

respondent requesting to give duty at Ambattur Depot or give relieving order to enable him to obey the order. It is his further contention that he worked in cash section for the past 21 years and now the respondents asked him to work as Tradesman in FC Unit, Section 9A of Industrial Disputes Act prohibits imposing any change in service condition without notice and therefore, the action is against the provision of Industrial Disputes Act. The petitioner made a representation to the first respondent on 11.04.2016 but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.S.T.Varadarajulu, the learned counsel for the petitioner would submit that the petitioner was asked to join duty in the Ayanavaram Depot without any specific order. It is his further submission that the petitioner went to join duty at Ayanavaram Depot but the respondents were not permitted him to join duty and therefore, presently he was on leave and hence, he would be satisfied, if his representation dated 11.04.2016 is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.Paramasivados, the learned Senior Counsel for the respondents would submit that during election time there was a ban that not to transfer the workers and only to increase the man power, the petitioner was asked to report duty at Ayanavaram Depot.

5.Considering the submissions made on either side, it is seen that the respondents asked the petitioner to report duty at Ayanavaram Depot only to increase the man power but the petitioner neither joined the duty nor obeyed the order, however, he made a representation dated 11.04.2016 stating that he should give duty at Ambattur Depot or give relieving order. Therefore, this Court is not inclined to allow this Writ Petition and hence, the same is closed. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sri

To

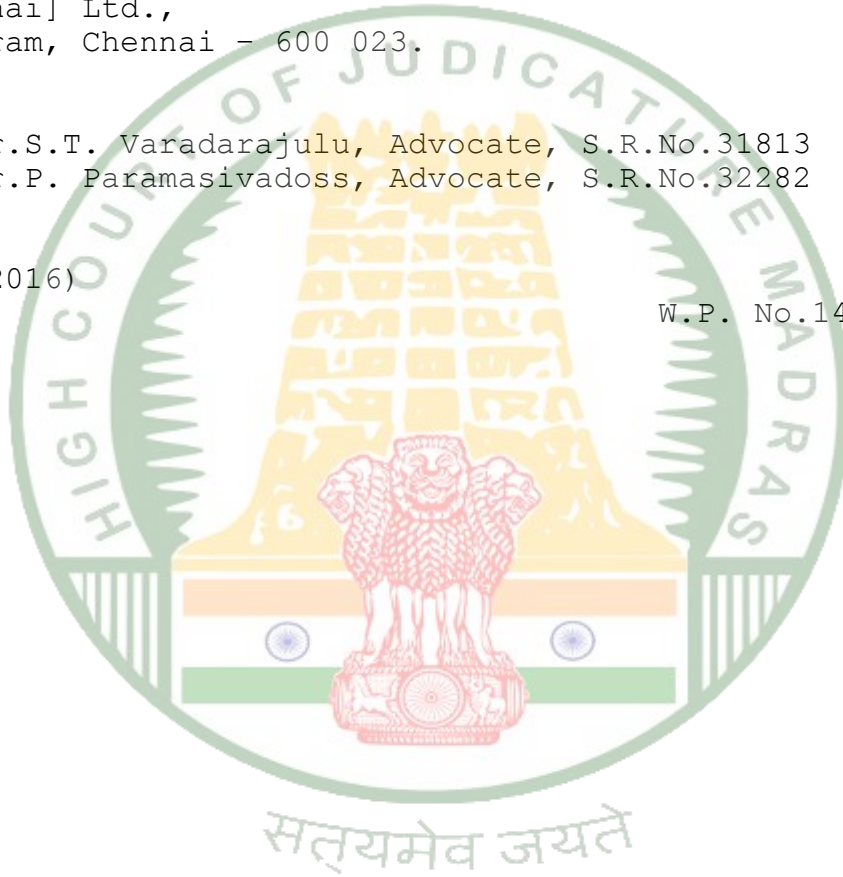
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+1cc to Mr.S.T. Varadarajulu, Advocate, S.R.No.31813
+1cc to Mr.P. Paramasivados, Advocate, S.R.No.32282

GJ(CO)
EU(30/06/2016)

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