

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.11.2016

Date of verdict: 2.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40010 of 2016
and W.M.P.Nos.34071 and 34072 of 2016

P.Sivaraj ... Petitioner

vs.

- 1 The Managing Director
Tamilnadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
 - 2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Limited Tiruvannamalai Region
Tiruvannamalai
 - 3 The Branch Manager
Tiruvannamalai Depot-I Tamilnadu State
Transport Corporation (Villupuram) Limited
Tiruvannamalai
 - 4 The Branch Manager
Tiruvannamalai Depot-II
Tamilnadu State
Transport Corporation
(Villupuram) Limited
Tiruvannamalai
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records of the second respondent dated 13.10.2016 in his proceedings in Ku.No. 28016/Ni 2/TNSTC. (Vi) Ti.Ma/2014 and the consequential reliving order dated 17.10.2016 passed by the third respondent in Letter No. 1681/BM/TVM-I/TNSTV (V) and quash the same and further direct the respondents to permit the petitioner to join duty as Driver in Depot-I, Tiruvannamalai.

For Petitioner : Mr.S.Doraisamy,
for M/s.A.S.Prabu

For Respondents : Mr.K.J.Sivakumar

ORDER

The present writ petition has been filed by the petitioner, challenging the proceedings of the second respondent dated 13.10.2016 in Ku.No. 28016/Ni 2/TNSTC. (Vi) Ti.Ma/2014 and the consequential reliving order dated 17.10.2016 passed by the third respondent in Letter No. 1681/BM/TVM-I/TNSTV (V) and consequently, to direct the respondents to permit him to join duty as Driver in Depot-I, Tiruvannamalai.

2. It is the case of the petitioner that he was appointed as Driver in the first respondent corporation in the year 2014. While so, on 11.10.2016, he went for his regular duty and finished it on 12.10.2016 and his next turn for duty was on 15.10.2016. However, on 13.10.2016, the third respondent called him to do additional work stating that one Driver, who has to attend the work, did not come on that day. Hence, in obedience of his order, the petitioner went for additional duty on 13.10.2016 at about 12.20 p.m. On 13.10.2016, at about 1.45 p.m., when the bus was about to reach Tindivanam, some of the passengers requested him to stop the bus for attending nature's call and for taking lunch. Hence, the petitioner stopped the bus near a hotel at Tindivanam. At that time, the second respondent came there in a vehicle and questioned the petitioner and the Conductor as to why they stopped the bus at a hotel, which is not authorized by the corporation. The petitioner and the Conductor explained him that the passengers requested him to stop the bus for attending the nature's call and for taking lunch. But, the second respondent did not accept the said reasoning and asked his subordinates to issue memo to the petitioner. Thereafter, the petitioner made a representation to the second respondent to pay one day basic wages for each additional duty. On receipt of the said representation, the second respondent got angry and shouted him stating that he could not claim one day's basic salary. Thereafter, the petitioner applied for medical leave for ten days on 17.10.2016. In the meantime, the second respondent passed the impugned order of transfer, transferring him from the third respondent depot to fourth respondent depot. Hence, challenging the same, the petitioner has come up with the present writ petition.

3. Learned counsel appearing for the petitioner made his submissions by adverting to the averments made in the affidavit filed in support of the writ petition.

4. Learned counsel appearing for the respondents, by filing a detailed counter, submitted that the allegations made by the petitioner are nothing to do with the transfer order and relieving order. Further, the representation was given by the petitioner only subsequent to the transfer order, which would show that the petitioner has approached this Court with false statement. Thus, he sought for the dismissal of the writ petition.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that the transfer order has been passed only on administrative reasons and the petitioner has not made out any case to quash the transfer order. Further, the affidavit filed in support of the writ petition contains only bald and vague statements, which are not supported by any materials. Therefore, I am of the opinion that the petitioner has miserably failed to establish his case to quash the transfer order and the subsequent relieving order. Hence, the present writ petition is liable to be dismissed and accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi
To

- 1 The Managing Director
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Tiruvannamalai Depot-II Tamilnadu State
Transport Corporation (Villupuram) Limited
Tiruvannamalai

W.P.No.40010 of 2016

GJ(CO)
Eu 27.1.17