



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22/07/2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 12946 of 2016

and

W.M.P (MD) No. 9750 of 2016

S. Shunmugaraj

: Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

2. The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari after calling for the records pertaining to the order in ~~பி.சி.என் 9946/நியு/தபிபாக/தலி/2016~~, dated 20.05.2016 passed by the second respondent, quash the same, award costs.

For petitioner : Mr. G. M. Xavier

For Respondents: Mr. K. Sathiyasingh

O R D E R

The petitioner Mr. Shunmugaraj, who has been serving as a Driver in the first respondent Corporation for five years, was issued with a cheque, dated 07.01.2016 bearing No. 470996 for Rs. 5,000/-, towards Pongal Festival Advance, when the same was presented, unfortunately it was dishonoured on 27.01.2016. Therefore, he has approached the learned Judicial Magistrate, Vilathikulam by filing C.C. No. 92 of 2016 against the first respondent Corporation, as a result, it was pleaded that the impugned transferred is passed transferring the petitioner from ~~Services Branch to Valliyoor Branch~~.



2. Mr.K.Sathiyasingh, learned standing counsel after taking notice on behalf of the respondent, would submit that impugned transfer order has been passed due to administrative reason and there is no illegality in the said order and hence, the Writ Petition is liable to be dismissed.

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3. Heard the submissions made on both sides and perused the materials available on record.

4. This Court is not inclined to interfere with the impugned transfer order for the reason that the petitioner has been transferred citing the administrative reason, that too from Vilathikulam to Valliyoor, within the same Division. As it is a well settled legal position that transfer is not only an incident of service, but also a condition of service, this Court does not find any merit in this Writ Petition and hence, the same is liable to be dismissed.

In the result, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

2.The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

+One cc to Mr.K.Sathiyasingh, Advocate, SR.No.38968

+One cc to Mr.G.M.Xavier, Advocate, SR.No.38734

pm

RL/5C/2P/DB/9/8/2016

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