



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2016

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17267 of 2016

M.Senthilkumar

... Petitioner

vs.

1) Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2) The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

3) Mr. Dharmaraj,
The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned transfer order passed by the 2nd respondent in Ref.No.Th.Aa.Po.Ka/Ni Pi/ pa.1/187 dated 03.08.2016, quash the same.

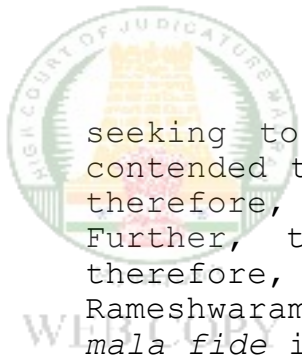
For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

The petitioner is working as a Driver in the respondent Corporation at Thirupathur Branch, Karaikudi Region. He has been served with an order of transfer from Thirupathur Branch to Rameshwaram Branch. He sent a representation dated 08.08.2016, seeking cancellation of the transfer. As there is no response, he has filed this writ petition, challenging the transfer order.

<https://hseervices.ecourts.gov.in/HseServices/>

2. In the representation dated 08.08.2016 sent to the respondents,



seeking to cancel the impugned transfer order, the petitioner has contended that there is shortage of drivers in Thirupathur Branch and therefore, his transfer to Rameshwaram Branch is unwarranted. Further, there are more than 20 juniors to the petitioner and therefore, the impugned transfer order transferring him alone to Rameshwaram Branch, is wholly arbitrary and it has been passed with *mala fide* intention.

3.It is further stated that in order to avoid his wife, who has been selected to file nomination as a President candidate in the forthcoming Panchayat Election, which was not liked by some of the party leaders, impugned transfer has been effected. It is also stated that the petitioner has two school going children and therefore, the impugned transfer to Rameshwaram Branch, which is 180 kms away from the present place, has caused prejudice to his family and therefore, the same is liable to be cancelled.

4.Learned counsel for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner dated 08.08.2016 and to pass orders, after affording an opportunity of personal hearing to the petitioner.

5.Recording the submission made by the learned counsel for the respondents, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 08.08.2016 and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

nbi

To

1)The Managing Director,Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,Kumbakonam.

2)The General Manager,Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Karaikudi Region,Karaikudi.

+2CC to Mr.R.Rahul, Advocate Sr.No.52889, 51901

+1CC to Mr.D.Sivaraman, Advocate Sr.No.52376

GJM/DB/21.9.16-2p-6c

W.P (MD) No.17267 of 2016

14.09.2016