

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.Nos.5602 to 5605 of 2017
and W.M.P.Nos.5966 to 5973 of 2017

Udayakumar .. Petitioner in
W.P.No.5602 of 2017

C.K.Velliangiri .. Petitioner in
W.P.No.5603 of 2017

A.S.Prakash .. Petitioner in
W.P.No.5604 of 2017

M.Balasubramaniam .. Petitioner in
W.P.No.5605 of 2017

vs

1.Tamil Nadu State Transport Corporation,
Rep. by its General Manager,
Mettupalayam Road, Coimbatore.

2.Managing Director,
Tamil Nadu State Transport Corporation,
Mettupalayam Road, Coimbatore.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Karumatthampatti Branch, Coimbatore. .. Respondents
in all W.Ps.

Prayer in W.P.No.5602 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records from the first respondent in impugned order i.e. 3615/E3B/52B/Pa.Thu1/TNSTC (Cbe)/2017 dated 03.02.2017 and quash the same.

Prayer in W.P.No.5603 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records from the first respondent in impugned order i.e. 3614/E3B/52B/Pa.Thu1/TNSTC (Cbe)/2017 dated 03.02.2017 and quash the same.

Prayer in W.P.No.5604 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records from the first respondent in impugned order i.e. 3614/E3B/52B/Pa.Thul/TNSTC (Cbe)/2017 dated 03.02.2017 and quash the same.

Prayer in W.P.No.5605 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records from the first respondent in impugned order i.e. 3615/E3B/52B/Pa.Thul/TNSTC (Cbe)/2017 dated 03.02.2017 and quash the same.

For Petitioner
in all W.Ps. : Mr.V.Ashok Kumar

For Respondents
in all W.Ps. : Mr.P.Kannan Kumar

COMMON ORDER

The above four writ petitions have been filed questioning the impugned transfer order passed by the General Manager, Tamil Nadu State Transport Corporation.

2.Heard the learned counsel appearing for the petitioners and Mr.P.Kannan Kumar, learned counsel appearing for the respondent Tamil Nadu State Transport Corporation.

3.Learned counsel for the petitioners would submit that the petitioners joined the service of the Tamil Nadu State Transport Corporation and they have been rendering the service to the satisfaction of all the superior officers. He would also submit that some of the employees in the petitioners branch are associated with the Union called AIADMK Trade Union. Later on, the employees/members of the said Union asked the petitioners to join in their Union, but the petitioners refused to accede to the said demand. The said Union being part of the present ruling party of the State, said to have given some indication to the higher authorities against the petitioner, only on that basis, the present impugned orders of transfer have been issued without mentioning any reason for transfer nor any reason cited as to why the juniors to the petitioners were not even disturbed. Since the impugned orders of transfer have been passed ignoring the juniors and also without any administrative reason, the same are liable to be interfered with.

4.The contentions made by the learned counsel for the petitioner challenging the impugned orders of transfer are without merits. When it is well settled legal position that transfer is not only a condition in service but also incident of service, no reason is required to be cited by the administration/employer for passing any transfer order. It is also well settled that there is no such rule prohibiting the employer effecting transfer of senior persons in the Department. This apart, there is no indefeasible right vested on the petitioners to say that they should not be transferred to any place when the Government servants are liable to be transferred to anywhere in the State and therefore, there is no prejudice caused to them. Moreover, the petitioners have been transferred to a place less than 60 kms.

5.For all these reasons, this Court is not inclined to entertain the writ petitions. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Mettupalayam Road, Coimbatore.

2.Managing Director,
Tamil Nadu State Transport Corporation,
Mettupalayam Road, Coimbatore.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Karumatthampatti Branch, Coimbatore.

+ 1 cc to Mr.P. Kannan Kumar, Advocate Sr.14771

W.P.Nos.5602 to 5605 of 2017
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CA(CO)

EU 6.4.17