

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.9680 of 2017

&

WMP.No.10649 & 10650 of 2017

A.Sugumar

...Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore, Erode region,
Chennimalai Road, Erode - 1.

2. The Assistant Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore, Erode region,
Chennimalai Road, Erode - 1. ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire records of the impugned order issued by the 1st Respondent in his proceedings No.1887/P1/PP1/TNSTC/KO/EMa/16 dated 27.12.2016 quash the same.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.P.Kannan kumar

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O R D E R

The order impugned in this writ petition is the transfer order dated 27.12.2016, transferring the writ petitioner from Erode Branch - I to Palani Branch -II. The writ petitioner is working as a Conductor.

2. The learned counsel appearing for the writ petitioner contended that due to the fact that the writ petitioner belongs

to a Trade Union, he was victimised and in order to harass the writ petitioner, the transfer order has been issued. Further, the learned counsel submitted that though the impugned order dated 27.12.2016 was issued the same was not implemented for a long time and the writ petitioner was allowed to continue in Branch-I Erode. Therefore, there was a delay in filing this writ petition and hence the transfer order is to be set aside.

3. The transfer is incidental to service, more-so, a condition of service. Thus, when the transfers issued on administrative grounds, cannot be interfered with nor a writ petition can be entertained in the absence of establishing an accepted legal ground of no jurisdiction, incompetency or mala fides.

4. Even in case of claiming mala fides, it is necessary that the person against whom such an allegation is raised to be implead as party in this writ proceedings, in the absence any of these grounds, no writ can be entertained against the order of transfer. A public servant, being serving for the public, has to work wherever he is posted and challenging the order of transfer can be entertained only in exceptional circumstances and not otherwise.

5. In this view of the matter, the grounds raised in this writ petition deserves no consideration. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते
Sub Assistant Registrar

av/Svn

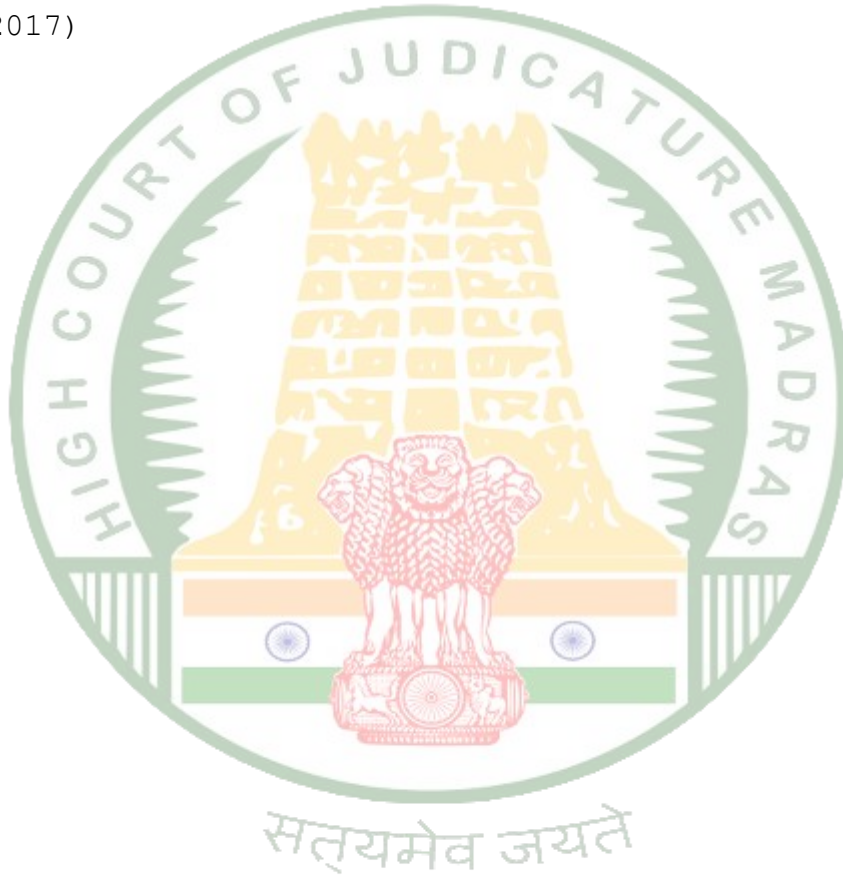
To

1. The General Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore, Erode region,
Chennimalai Road, Erode - 1.
2. The Assistant Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore, Erode region,
Chennimalai Road, Erode - 1.

+1cc to M/s.T.Sella pandian, Advocate, S.R.No.49234/17
+1cc to M/s.P.Kannankumar, Advocate, S.R.No.49036/17

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CU (26/07/2017)



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