

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3977 of 2017

And

W.M.P.Nos.4060 to 4062 of 2017

D.Kumar ... Petitioner

Vs.

- 1 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12 Ramakrishna Road,
Salem - 636 007.
- 2 The Branch Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Sankari Branch
Salem-Sankari Main Road,
Sankari,
Salem District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent relating to the order bearing No.E2/82/TSTC (Salem) 2017 dated 3.2.2017 and quash the said order dated 3.2.2017 and the consequent relieving order dated 6.2.2017 and direct the Respondents to allow the Petitioner to work in their Sankari Branch, Salem District and award costs.

For Petitioner : Mr.S.Ayyathurai
For Respondents : Mr.P.Paramasivadoss

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Paramasivadoss, learned Standing Counsel accepts notice on behalf of the respondents 1 and 2.

2.The petitioner would aver that he joined the services of

State Express Transport Corporation, Chennai as Conductor during March, 1997 and originally, he was posted at Nagercoil and then, got transferred to the respondent Corporation during March, 2000 and claims to be discharging his duties diligently.

3.The petitioner also claims that he is an activist of an office bearer of the CITU led Union (i.e., Joint Secretary of the said Union), ever since the year, 2005 and he never allowed his Union activities to come in the way of discharging the duties as a Conductor.

4.The grievance now expressed by the petitioner is that inferiorated by the Union activities, all of a sudden, vide, the impugned order dated 03.02.2017 passed by the first respondent, he was transferred to Erumapalayam Depot which is about 50 Km away, only to prevent him from engaging in Union activities and challenging the same, came forward to file this writ petition.

5.Learned counsel for the petitioner would vehemently contend that inorder to stifle/ suppress the Union activities and as a warning to the persons who are working for the Union, the petitioner has been transferred to Erumapalayam Branch under the pretext of administrative reasons and really, it is not so and the petitioner in this regard, submitted a representation to the Managing Director of Tamil Nadu State Transport Corporation (Salem) Limited and since no orders have been passed, came forward to file this writ petition.

6.Per contra, Mr.P.Paramasivadosh, learned Standing Counsel appearing for the respondents, in his usual vehemements would submit that the respondents are entitled to transfer the petitioner on administrative grounds and prays for time, to get necessary instructions.

7.This Court has considered the rival submissions and also perused the typed set of documents.

8.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the Managing Director of Tamil Nadu State Transport Corporation (Salem) Limited, to consider and dispose of the petitioner's representation dated 13.02.2017, in accordance with law and pass orders, within a period of four weeks, from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly.
Consequently, the connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited
Salem.
- 2 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12 Ramakrishna Road,
Salem - 636 007.
- 3 The Branch Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Sankari Branch
Salem-Sankari Main Road,
Sankari,
Salem District.

+1cc to Mr.P. Paramariva Doss*, Advocate, S.R.No.10689
+1cc to Mr.S. Ayyathurai, Advocate, S.R.No.10381

GMI (CO)
md(23/02/2017)

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