

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.14882 of 2017

R.Kumaran

... Petitioner

Versus

The Managing Director,
TANTEA Corporation Limited,
Coonoor-643 101,
The Nilgiris District.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the entire records in pursuance of the impugned order of Transfer in S.O.No.55/2017 dated 30.05.2017 passed by the Respondent and quash the same and direct the Respondent to consider and pass orders on the representation of the petitioner dated 05.06.2017.

For Petitioner : Mr.S.Murugan

For Respondent : Mr.M.Santhanaraman
Additional Government Pleader
(Forests)

O R D E R

The present writ petition is filed to quash the Transfer order passed by the Respondent, transferring the petitioner from Coonoor to Nelliyalayam Tea Factory.

2.The petitioner was appointed as Factory Supervisor, Cherangode Tea Factory on 03.04.1984 and in the year 1996, he was promoted as Assistant Tea Maker and transferred to Lawson Tea Factory at Valparai. Then, he was promoted as Tea Maker Grade-II and transferred to Nelliyalayam Tea Factory. In the year 2014 he was transferred to Tiger Hill Tea Factory. On 30.05.2017, the petitioner sent a representation to the Respondent seeking transfer from Tiger Hill Tea Factory to Kothagiri. However, the respondent transferred the petitioner from Coonoor to Nelliyalayam Tea Factory with immediate effect. Aggrieved by the Transfer order, the petitioner has come up with the present writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Even according to the petitioner the order of transfer has been passed on receipt of his request letter for transfer.

However, as the petitioner has given request letter dated 5.4.2017 to post him from Tiger Hill Tea Factory to Kothagiri, the respondent has posted him at Nelliyalayam Tea Factory in the existing vacancy. Therefore, the petitioner cannot come to this Court to challenge the transfer order as this has been passed only at his instance. One employer is to know where the employee has to be transferred.

4. In my considered view, the petitioner himself has requested for transfer to Kothagiri. As there was no vacancy at Kothagiri as he has expected, he was transferred to Nelliyalayam Tea Factory in the existing vacancy. Hence, this Court does not find any merit to quash the impugned order of transfer. The writ petition fails and is dismissed accordingly. No costs. Consequently, W.M.P.No.16125 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gr

To

The Managing Director,
TANTEA Corporation Limited,
Coonoor-643 101,
The Nilgiris District.

+1cc to Mr.S.Murugan, Advocate, S.R.No.41892

+1cc to the Special Government Pleader(Forest), S.R.No.42051

सत्यमेव जयते

W.P.No.14882 of 2017

NR(CO)
CA(29/06/2017)

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