

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18078 of 2017
and
W.M.P.No.19624 of 2017

N.Balu

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport corporation,
(Kumbakonam) Ltd,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd,
Nagapattinam Zonal,
Velippalayam,
Nagapattinam District 611 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to calling for the records of the second respondent passed in KU.Aa.No.04-06/Pa.B-E2/TNSTC(Ku) Nagai/2017 dated 27.04.2017 and quash the same.

For Petitioner : Mr.K.Nagendra Prasad

O R D E R

The order of transfer dated 27th April 2017 passed by the second respondent is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner was placed under suspension on 20th April 2017 on certain false allegations. The writ petitioner on submitting his explanation and by considering the same the order of suspension was revoked on 22nd April 2017. On revocation of suspension, the writ petitioner joined in service. Soon after the joining, the impugned order of transfer was issued on 27th April 2017, transferring the writ petitioner from Nagapattinam branch to Mayiladuthurai branch.

3. The learned counsel appearing for the writ petitioner contended that the impugned order merely states "on administrative grounds", which is unsustainable. Further, it is contended that the writ petitioner was transferred on the false complaint, and no opportunity was provided to the writ petitioner.

4. Administrative order of transfer cannot be challenged in view of the fact that the transfers are only incidental to service and more so a condition of service. Further, the writ petitioner was placed under suspension and on revocation of suspension, he was transferred from Nagapattinam branch to Mayiladuthurai branch. Such being the factum of the case, this Court is not inclined to consider the arguments advanced by the learned counsel for the writ petitioner.

5. The impugned order was issued on administrative grounds and on revocation of the order of suspension. Thus, the writ petitioner challenging the order of transfer, more specifically transferring him from Nagapattinam branch to Mayiladuthurai branch does not deserve any consideration.

6. Accordingly, the Writ Petition stands dismissed. However, there no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkp

To

1. The Managing Director,
Tamil Nadu State Transport corporation,
(Kumbakonam) Ltd,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd,
Nagapattinam Zonal,
Velippalayam, Nagapattinam District 611 001.

+1cc to Mr.K.Nagendra Prasad, Advocate, S.R.No.49765

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SKV (CO)
CA(02/08/2017)