

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18211 of 2017 and
W.M.P.Nos.19799 & 19800 of 2017

L.S.Sathishkumar ... Petitioner
Vs.

1.Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its General Manager,
Nagapattinam Region, Nagapattinam.

2.The Brach Manager, Sirkali Depot,
Nagapattinam Region,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd., Sirkali.

3.Thiru Radhakrishnan

4.Thiru Mani Mozhi

5.Thiru K.Sekar ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order dated 03.07.2017 in Memo No.07-01/Pa.Pi.E2/TNSTC (K) Nagal /2017, passed by the first respondent, quash the same.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.P.Kannan Kumar,
Special Government Pleader
(For R1 & R2)

O R D E R

The order of transfer dated 3rd July, 2017, transferring the writ petitioner from Sirkali branch to Vedaranyam branch is under challenge in this writ petition. The order of transfer was issued on administrative grounds.

2.The learned counsel appearing for the writ petitioner strenuously contended that the transfer order was issued on malafide grounds. Since there was a dispute between two Unions, the transfer order was issued at the instance of a particular union. Therefore, the order of transfer is liable to be scrapped. The writ petitioner was placed under suspension on 24th June 2017 and thereafter, the order of suspension was revoked by the first respondent /General Manager on 30th June, 2017. On revocation of suspension, the writ petitioner was allowed to join duty with effect from 1st July 2017. In order to avoid further conflicts and problems between the various union members, the management issued an order of transfer transferring the writ petitioner from Sirkali branch to Vedaranyam branch. One way of avoiding such internal disputes between the various unions is to effect the order of transfer and therefore, it is rightly stated in the impugned order that the order of transfer is on administrative grounds.

3.This apart, the transfer is an incidental to service, more so, a condition of service. A writ petition challenging the order of transfer need not be entertained in a routine manner and only in an exceptional circumstances an order of transfer may be quashed. The place of work and the post can never be claimed as a matter of right by the employees and it is the discretion of the Competent Authority to implement the Government schemes and policies by posting the employees in a right manner. This being the principle and the transfer being incidental to service, this Court is not inclined to interfere with the order of transfer impugned in this writ petition stating that it is on administrative grounds. Accordingly, this writ petition is devoid of merits.

4.With the above observation, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

abr/maya

To

1.The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.

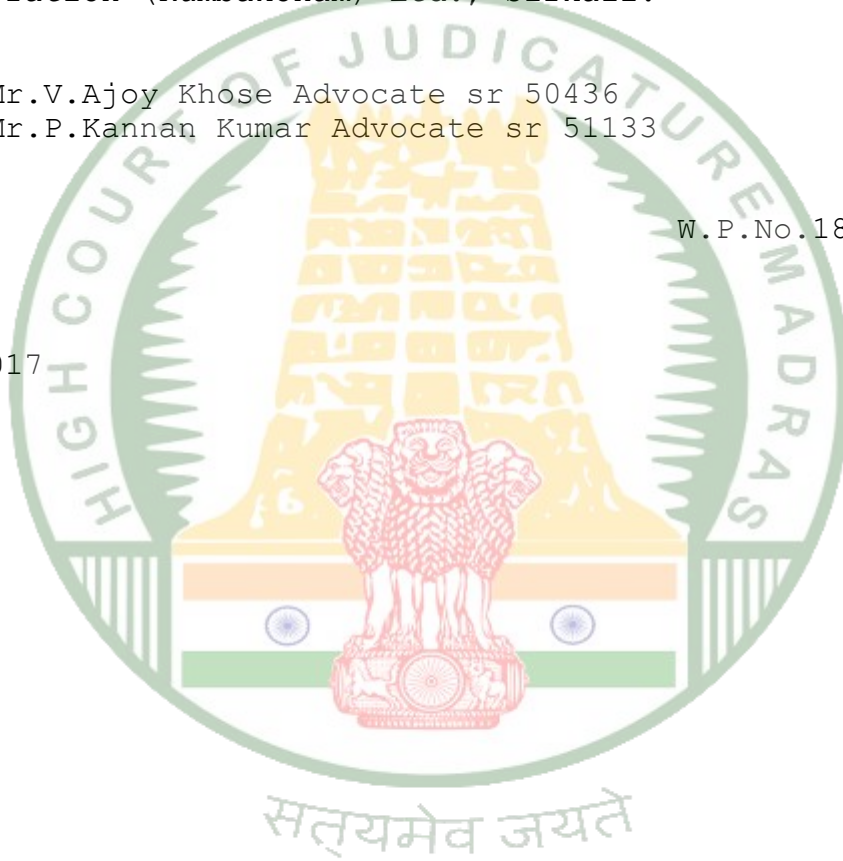
2.The Brach Manager, Sirkali Depot,
Nagapattinam Region,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd., Sirkali.

+1 cc to Mr.V.Ajoy Khose Advocate sr 50436

+1 cc to Mr.P.Kannan Kumar Advocate sr 51133

W.P.No.18211 of 2017

svl(co)
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