

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

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THE HONOURABLE MR.JUSTICE T. RAJA

W.P.Nos.31180 & 31267 of 2016

P.Chenniappan ... Petitioner in W.P. No.31180 of 2016

S.Mohanasundaram ... Petitioner in W.P. No.31267 of 2016

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Erode Division, Chennimalai Road,
Erode - 1. ... Respondent in both the WPs

Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings Pa.No.1115/P2/Pa.Pi.1/TNSTC/KO/E.Ma/16 and Pa.No.1117/P1/Pa.Pi.1/TNSTC/ KO/E.Ma/16, dated 18.08.2016 and quash the same.

For Petitioners .. Mr.C.Prakasam
For Respondent .. Mr.P.Kannan Kumar

ORDER

The petitioners have come to this Court challenging the impugned orders dated 18.08.2016 passed by the respondent in his proceedings Pa.No.1115/P2/Pa.Pi.1/TNSTC/KO/E.Ma/16 and Pa.No.1117/P1/Pa.Pi.1/TNSTC/ KO/E.Ma/16, posting them from Kangeyam Depot to Marudhamalai Depot and Tiruppur Depot-II to Ukkadam Depot-I respectively.

2.Learned counsel for the petitioners would submit that the petitioners being Labour leaders agitating against the action of respondent/ Corporation for the welfare of the employees of Transport Corporation, have issued statutory notice to the Corporation for one day strike on 02.09.2016 for filling up of the vacancies and implementation of the Labour Laws and after

receipt of the said notice, the respondent had issued transfer orders transferring the petitioners from Kangeyam Depot to Marudhamalai Depot and Tiruppur Depot-II to Ukkadam Depot-I respectively. He would further submit that taking note of the agitation being frequently made by the petitioners, the Corporation officials taking vengeance against the petitioners, have issued the said transfer orders. Adding further, he would submit that the petitioners being Labour leaders, should safeguard the interest of the employees of the transport corporation and therefore, if the transfer orders are passed, the petitioners may not be able to continue the cause of the Labour Union and therefore the said petitioners' transfer orders are nothing but punishment. Concluding his argument, he would submit that when the impugned orders of transfer passed on 18.08.2016, they were also issued with the relieving order dated 20.08.2016 and subsequently, they obtained an order of status quo on 12.09.2016 and hence, the same is liable to be interfered with.

3.A detailed counter affidavits have been filed by the respondent denying the contention made by the learned counsel for the petitioners stating that the respondent has not shown any vengeance against the leaders, who had issued strike notice and the said transfer orders have been passed purely to meet the administrative exigency and they have been transferred only from Kangeyam Depot to Marudhamalai Depot and Tiruppur Depot-II to Ukkadam Depot-I respectively, which are hardly a distance of 86 kms.

4.A perusal of the affidavit, counter affidavits filed by the respondent and the impugned orders would show that the said transfer namely, posting the petitioners from Kangeyam Depot to Marudhamalai Depot and Tiruppur Depot-II to Ukkadam Depot-I respectively, are only about 86 kms. Secondly, the petitioners can commute by free of cost between these two places and hence, no prejudice would be caused to them. Thirdly, the contention made by the petitioners that only after issuing strike notice, the respondent, by way of victimisation, effecting the impugned transfer orders, cannot be accepted, when several other persons, namely, Presidents and Secretaries have also issued the strike notice to the respondent and the transfer orders have not been issued against them. Fourthly, an order of status quo has been obtained by the petitioners only on 12.09.2016 after relieved from the earlier place and therefore, the last contention made by the petitioners that the order of status quo has been violated is also far from acceptance.

5.Accordingly, these writ petitions are dismissed. No costs. Consequently, connected W.M.Ps are closed.

6.The petitioners are directed to report duty on 25.04.2017.
The respondent shall allow him to join the duty.

-s/d-
Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

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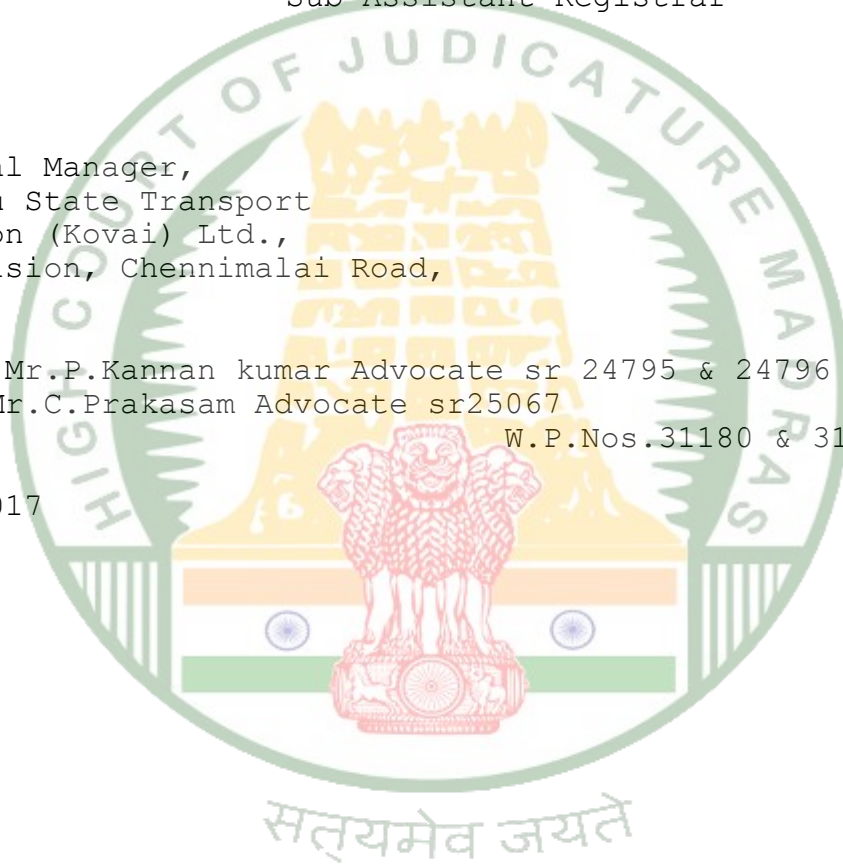
To

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

+2 ccs to Mr.P.Kannan kumar Advocate sr 24795 & 24796
+1 cc to Mr.C.Prakasam Advocate sr25067

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