



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.395 of 2017 and
C.M.P.(MD).No.3526 of 2017

S.Arumugaperumal : Appellant/Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli District.
2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi Town Branch,
Thoothukudi District.
3. The General Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 27.02.2017 made in W.P.(MD).No.3244 of 2017, on the file of this Court.

Prayer in WP(MD). 3244/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent impugned order in A.Aa. No. 9935/ Nee. Ya.7/ Tha. A. Po.Ka/Thi.Lee/2016 dated on 31.01.2017 and the 2nd respondent impugned order in Ka.No.1501/Thudi.1/Tha.A.Po.Ka.Thi.Lee/13 dated 04.02.2017 to quash the same as illegal and permit the petitioner to continue a regular service from the Thoothukudi TNSTC Town Branch.

For Appellant : Mr.S.Gopalamanikandan

**JUDGMENT**

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.Gopalamanikandan, learned counsel appearing for the appellant.

2. This Writ Appeal is directed as against the order dated 27.02.2017 made in W.P.(MD).No.3244 of 2017.

3. The appellant questioned the order of transfer, by which he was transferred from Tirunelveli to Thoothukudi Town Branch, on administrative ground. The learned Single Judge, after taking note of the fact that the respondents are empowered to effect transfer on administrative grounds within 30 kms radius, has rightly dismissed the Writ Petition. Furthermore, the Writ Court observed that the mala fide alleged by the appellant has not been established. Moreover, the Writ Court referred to the decision of the Hon'ble Supreme Court in the case of **Rajendra Roy Vs. Union of India**, reported in **1993 (1) SCC 148**, wherein it has been held that the transfer is an incident of service. Thus, we are in full agreement with the view taken by the Writ Court. Therefore, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli District.
2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi Town Branch,
Thoothukudi District.
3. The General Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi District.

+ 1 CC TO Mr.S.GOPALAMANIKANDAN, ADVOCATE IN SR No. 51954

NB

TE/SV-MMS/SAR-III : 26/04/2017 : 2P/5C

JUDGMENT MADE IN
W.A.[MD].No.395 of 2017 and
C.M.P.(MD).No.3526 of 2017
12.04.2017