



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD) No.9162 of 2014

and

M.P(MD) No.1 of 2014

WEB COPY

P.Ponnumuniaswamy

... Petitioner

-vs-

1. The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi,
Sivagangai District.

2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Tirupattur,
Sivagangai District.

3. Mr.Alagarswamy,
Branch Manager,
Tamil Nadu State Transport Corporation,
Tirupattur,
Sivagangai District.

... Respondents

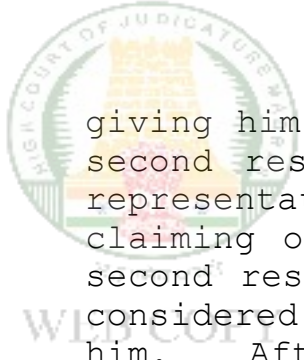
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in the proceedings in பார்வை:தநா.அபோக/நிபி/ப2/145, dated 02.06.2014 and to quash the same.

For Petitioner : Mr.S.Saji Bino
For R1 to R3 : Mr.D.Sivaraman

ORDER

This writ petition has been filed by the petitioner to call for the records relating to the impugned proceedings of the first respondent in the proceedings in பார்வை:தநா.அபோக/நிபி/ப2/145, dated 02.06.2014 and to quash the same.

2.The writ petitioner has submitted that he was working as a driver in the respondent Transport Corporation since 2009. The second respondent had forced him to work for 24 hours continuously without giving any rest, which is against the Motor Transport Workers Act, 1961. The second respondent forced the petitioner to ply the vehicle against the provisions of law and also did not pay wages for the overtime work done as per the Act. The second respondent compelled the petitioner to drive the vehicle for a whole day from 31.03.2014 to 01.04.2014 without



giving him any rest. In spite of his request that he is tired the second respondent made him to suffer, therefore, he has sent a representation to the first respondent stating the above facts and claiming overtime wages and also reported the inhuman act of the second respondent, which is beyond his powers. His claim was not considered even sympathetically, which caused mental strain to him. After the representation of the petitioner, the first respondent has transferred the petitioner from Thirupur to Karaikudi.

3.The impugned order, dated 02.06.2014 was passed by the first respondent transferring the petitioner from Thiruppathur Branch to Karaikudi Branch and directed him to appear before the Branch Manager, Karaikudi, which was challenged by the petitioner.

4.While entertaining this petition, no interim order was granted and the petitioner had joined duty at Karaikudi and he is working there till now.

5.When the matter was taken up for hearing, the learned counsel for the respondents submitted that the act of the first respondent in transferring the petitioner is not under any Act of malice and he has no personal vengence and it is only on administrative reason the petitioner was transferred.

6.The learned counsel for the petitioner submitted that even today the petitioner has got some grievance, that his representation has not been considered. The petitioner has not filed any writ of mandamus with a prayer to consider his representation or passing any other orders on his representation. Since the transfer order has been obeyed and still he is working for four years in the transferred area and hence, the prayer has become infructuous.

7.In view of the above facts, this writ petition is dismissed with liberty to work out his remedy, if he is aggrieved still, in the manner known to law. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.D.Sivaraman, Advocate Sr.No.91410

AM

VB/SV/MMS/SAR4/09/01/2018/2P/2C