



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.18998 of 2017

and

W.M.P. (MD) No.15356 of 2017

M.Arumugam

... Petitioner

Vs.

- 1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
- 2.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Rep. by its General Manager,
Karur.
- 3.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Rep. by its General Manager,
Karur.
- 4.The Branch Manager,
Musire Branch of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Musiri.
- 5.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Rep. by its General Manager,
Pudukottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari Mandamus, calling for the records relating to the impugned transfer order dated 27.09.2017 passed in Ref.TNSTC/Kumba/MaVaMe/407.5/17 by the 1st respondent transferring the petitioner from the 4th respondent branch to the 5th respondent region and the consequential relieving order dated 28.09.2017 passed in Ref.TNSTC/Branch/Musiri/No.1150 by the 4th respondent relieving him from the 4th respondent and quash the same and consequently direct the respondents 1 to 3 to permit him to continue to work in the 4th respondent branch and to



treat the period from 28.09.2017 to the date of allowing him to join duty at 4th respondent as his working days for all purpose and to pay him wages for the same.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

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O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order dated 27.09.2017 passed in Ref.TNSTC/Kumba/MaVaMe/407.5/17 by the 1st respondent transferring the petitioner from the 4th respondent branch to the 5th respondent region and the consequential relieving order dated 28.09.2017 passed in Ref.TNSTC/Branch/Musiri/No.1150 by the 4th respondent relieving him from the 4th respondent and quash the same consequently direct the respondents 1 to 3 to permit him to continue to work in the 4th respondent branch and to treat the period from 28.09.2017 to the date of allowing him to join duty at 4th respondent as his working days for all purpose and to pay him wages for the same.

2.Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned counsel, appearing for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal.

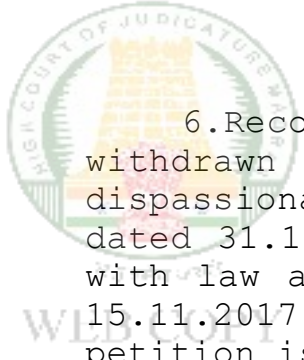
3.Since the Writ Petition challenges the order of transfer, it cannot be entertained in view of the settled law that an order of transfer is an incidence of service and cannot be subjected to judicial review except on the grounds of *male fide* or lack of jurisdiction. Hence, the learned counsel for the petitioner has made an endorsement that he is withdrawing the Writ Petition.

4. Be that as it may, during the earlier hearing on 31.10.2017, this Court has passed the following order:

"The learned counsel for the respondents says that though the Writ Petitioner has challenged the order of transfer, the concerned authorities would consider the representation, if made by the petitioner, on merits in accordance with law.

2.The learned counsel for the petitioner seeks time to get instructions from his client in this regard. Post on 07.11.2017 "for orders".

5.The learned counsel for the petitioner submits that the representation dated 31.10.2017 has been made by the petitioner against the order of transfer.



6. Recording the same, the Writ Petition is dismissed as withdrawn with an observation that the first respondent shall dispassionately consider the representation of the petitioner dated 31.10.2017 and pass reasoned orders on merits in accordance with law and communicate the same to the petitioner on or before 15.11.2017. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Karur.
3. The General Manager,
The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region, Karur.
4. The Branch Manager,
Musire Branch of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Region, Musiri.
5. The General Manager,
The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

+1cc to Mr.S.ARUNACHALAM Advocate in SR. No. 85829

+1cc to Mr.D.SIVARAMAN Advocate in SR. No. 85652

TA

JS/SKN.RSK/SAR.3/9.11.2017/3P-8C

W.P. (MD) No.18998 of 2017

07.11.2017