



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.21655 of 2017

and

W.M.P. (MD) Nos.17950 & 17951 of 2017

S.Balasubramanian

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Thiruthuraipoondi Branch,
Thiruthuraipoondi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari Mandamus, to call for the entire records, relating to the impugned transfer order passed by the second respondent vide his proceedings in Ku.Aa.No.10-0/Papi-E2/T.N.S.T.C(Ku)Nagai/2017 dated 10.10.2017 and to quash the same in so far as petitioner is concerned and consequently to direct the respondents to reinstate the petitioner as Conductor in the third respondent's branch with all attendant benefits.

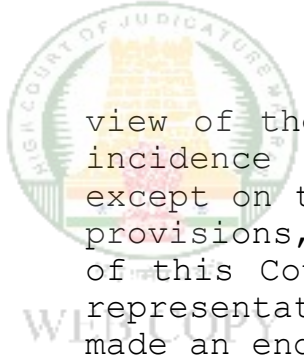
For Petitioner : Mr.M.S.Jeyakarthish
For Respondents : Mr.D.Sivaraman,
Standing Counsel.

O R D E R

Heard Mr.M.S.Jeyakarthish, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

2.When it was pointed out that the Writ Petition challenging the order of transfer of the petitioner cannot be entertained in



view of the settled legal position that an order of transfer is an incidence of service and cannot be subjected to judicial review except on the limited grounds of male fide or violation of statutory provisions, the learned counsel for the petitioner sought permission of this Court to withdraw the Writ Petition with liberty to make a representation to the respondents in that regard and he has also made an endorsement to that effect.

3.Hence, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to make a representation to the concerned authority on or before 11.12.2017, which shall be dispassionately considered and reasoned orders passed on merits and in accordance with law and the decision communicated to the petitioner on or before 22.12.2017. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Thiruthuraipoondi Branch,
Thiruthuraipoondi.

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.89907.

+1cc to M/S.M.S.JEYAKARTHIK, Advocate SR.No.89825.

W.P. (MD) No.21655 of 2017
27.11.2017

Myr

SDS/SV:MMS/SAR 1/07.12.2017/2P/6C