



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.555 of 2017

K.Dharmaraj

... Petitioner

-vs-

- 1.THE STATE EXPRESS TRANSPORT CORPORATION (TAMIL NADU) LTD.,
REP BY ITS MANAGING DIRECTOR,
CHENNAI-2.
- 2.THE GENERAL MANAGER,
THE STATE EXPRESS TRANSPORT CORPORATION
(TAMILNADU) LTD., CHENNAI-2.
- 3.ANANTHA PADMANABHAN
- 4.THE BRANCH MANAGER,
THE STATE EXPRESS TRANSPORT CORPORATION
(TAMILNADU) LTD., TIRUNELVELI BRANCH,
TIRUNELVELI.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, calling for the records pertaining to the impugned order No.011311/HR1/SETC TN/2015 dated 19.12.2016 passed by the 1st respondent and quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Sathiya Singh

ORDER

This writ petition has been filed, seeking to quash the order of the 1st respondent dated 19.12.2016 passed in No.011311/HR1/SETC TN/2015, by which, the petitioner was transferred from Shencotta Branch to Tirunelveli Branch of the 1st respondent Corporation.

2. When the matter is taken up for hearing, learned counsel for the respondents has produced the letter dated 14.02.2017 addressed to him by the 1st respondent, in which it has been stated that the service of the petitioner would be required till mid of April, 2017 and upon completion of the work entrusted to the petitioner, his request for re-transfer will be considered, as the petitioner is the Data Entry Operator.

3. Learned counsel for the petitioner would submit that on earlier occasion, the petitioner was transferred from Shenkottah to Kumbakonam and that this Court, vide order dated 18.11.2016, has observed that as the petitioner is at the verge of retirement, his request for transfer may be considered by the Managing Director and till such time, the order of transfer was ordered to be kept in abeyance.

4. Learned counsel for the petitioner would further submit



that the order of transfer is a vindictive one, as the petitioner has approached this Court and is a colourable exercise of powers; that this Court will have to see what is behind the innocuous order of transfer; that from the communication dated 14.12.2017 sent to the counsel for the respondents, it is clear that the respondents are not interested in recalling the order of transfer. Learned counsel would also submit that the petitioner is willing to report for work on or before 20.02.2017.

5. In reply, learned counsel for the respondents would contend that since the petitioner has been entrusted with some special work, he will be transferred in the 1st week of April, 2017.

6. Taking note of the submissions of both parties, the petitioner is directed to report for work on or before 20.02.2017 and upon production of a copy of this order, the 4th respondent is directed to permit him to join duty. The respondents are further directed to re-transfer him from Tirunelveli to Shenkottah on or before 31.03.2017 and he shall not be further retained in Tirunelveli, on the ground of non completion of work assigned to him. It is made clear that in case the petitioner has availed any leave after issuance of transfer orders, the same shall be adjusted against the leave accrued in his credit, so that no departmental action could be initiated against him, as the parties are interested in giving quietus to the issue.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To:

1. THE STATE EXPRESS TRANSPORT CORPORATION (TAMIL NADU) LTD.,
REP BY ITS MANAGING DIRECTOR,
CHENNAI-2.
2. THE GENERAL MANAGER,
THE STATE EXPRESS TRANSPORT CORPORATION
(TAMILNADU) LTD., CHENNAI-2.
3. THE BRANCH MANAGER,
THE STATE EXPRESS TRANSPORT CORPORATION
(TAMILNADU) LTD., TIRUNELVELI BRANCH,
TIRUNELVELI.

+1 cc to MR.S.RAHUL, ADVOCATE, SR NO:8495

+1 cc to MR.K.SATHIYA SINGH, ADVOCATE, SR NO: 8468

W.P. (MD) No.555 of 2017
15/02/2017