



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.6368 of 2017

and

W.M.P. (MD) Nos.5015 and 5016 of 2017

M.Asokh Kumar

... Petitioner

Vs.

1. The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

2. The Branch Manager,
State Express Transport Corporation Ltd.,
Tuticorin.

3. Ponmudi,
General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorari, calling for the records, pertaining to the impugned order passed by the 1st respondent dated 20.03.2017 in order No.027123/HR1/SETCTN/2015/4044 and the consequential order passed by the 2nd respondent dated 23.03.2017 in Order No.001/A2/SETCTN/2017 and quash the same.

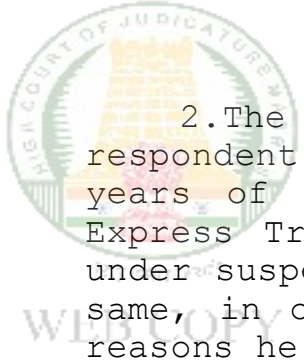
For Petitioner :Mr.S.A.Ganapathy Raman

For Respondents :Mr.K.Sathiyasingh

Standing Counsel for TNSTC

ORDER

This Writ Petition is filed challenging the impugned order passed by the first respondent dated 20.03.2017, and the consequential order passed by the second respondent dated 23.03.2017. The petitioner was transferred from Tuticorin to Chennai, by the order of the first respondent dated 20.03.2017, the petitioner was relieved on 23.03.2017, from Tuticorin.



2.The petitioner is an Ex-service man and appointed in the respondent Corporation as Security Guard on 18.04.1996. After 31 years of service, the petitioner still working with the State Express Transport Corporation Limited. The petitioner was placed under suspension by proceedings dated 20.03.2017 and following the same, in order to avoid any embarrassment and for Administrative reasons he was transferred to Trichy.

3.The petitioner's grievance is that he has been transferred to Trichy and that the impugned order of transfer is punitive in nature. Though the petitioner has raised some legal grounds, challenging the order of suspension and transfer, this Court is not inclined to consider the same as the order of transfer is purely due to administrative reason.

4.However, the learned Counsel for the petitioner submitted that the petitioner's wife is suffering from cancer and that she requires care and assistance of the petitioner. It is purely due to the family circumstances, the petitioner feel inconvenience and find it difficult, in complying with the order of transfer, as he has to attend his wife to take regular medical treatment. In this circumstance, this Court directed the learned Standing Counsel for the respondents, to point out the possibility of accommodating the petitioner to any branch of the respondent Corporation, near Tuticorin preferably at Tirunelveli. The learned counsel for the respondent after getting instructions, submitted that there is no vacancy in Tirunelveli, and that the petitioner can be accommodate at Kanyakumari or at Madurai. After consulting with the petitioner, the learned counsel for the petitioner has accepted the transfer to Kanyakumari instead of Trichy, the place where the petitioner was actually transferred by the impugned order. Considering the submission of the learned counsel for the petitioner and the undertaking given by the learned Counsel for the respondent, this Court is inclined to dispose of this Writ Petition with the following directions:

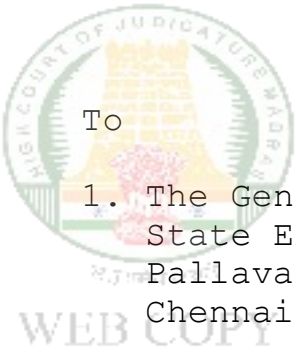
4.1.The impugned order passed by the first respondent dated 20.03.2017, is set aside, and the first respondent is directed to provide employment to the petitioner, in the same cadre of Security Guard, at Kanyakumari Branch forthwith.

5. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai.

2. The Branch Manager,
State Express Transport Corporation Ltd.,
Tuticorin.

+1cc to Mr.S.A.Ganapathy Raman, Advocate Sr.No.58922

+1cc to Mr.K.Sathiyasingh, Advocate Sr.No.58944

CMR/GSP

VB/KKR/SAR4/14.06.2017/3P/5C

**W.P. (MD) No.6368 of 2017
and
W.M.P. (MD) Nos.5015 and 5016 of 2017
06.06.2017**