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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.03.2017

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.980 Of 2017
and
WMP (MD) No.829 of 2017

M.Sekar

.. Petitioner

Vs.

- 1.The Management of
The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
 - 2.The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
 - 3.The Assistant Manager, (Personal & Legal)
The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
 - 4.The Branch Manager,
The Tamilnadu State Transport Corporation
(Kumbakonam) ltd.,
Paramakudi Branch,
Paramakudi.
 - 5.Mr.Dharmaraj,
The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
- .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent in the Ref. No.Th a Na Aa Po Ka/Nipi/Pa1/289, dated 17.11.2016 and quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

Standing Counsel



O R D E R

This Writ petition has been filed challenging the impugned order dated 17.11.2016 passed by the second respondent.

2.The learned Counsel for the petitioner has challenged the order of transfer of the petitioner from Paramakudi to Devakottai. The petitioner alleges *mala fides* as against the Management and has stated several reasons why the transfer of petitioner in this case is not on administrative grounds but on other reasons.

3.This Court at the time of hearing requested the learned Counsel appearing for the respondents to report whether the petitioner can be accommodated in Karaikudi Branch instead of transfer to Devakottai as the respondents are likely to be embarrassed if an order is passed on merits.

4.Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents on instructions submitted that the respondents are prepared to transfer the petitioner to Karaikudi branch instead of Devakottai branch. He produced a letter received from the Assistant Manager of the Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Karaikudi Region, stating that the shortage of drivers is high both in Devakottai Branch and in Karaikudi Branch and that therefore, the petitioner can be transferred to Karaikudi Branch.

5.In view of the submissions of the learned Standing Counsel for the respondents, this Court is inclined to set aside the impugned order, directing the transfer of petitioner from Paramakudi to Devakottai. Accordingly, the impugned order dated 17.11.2016 is set aside and this Writ Petition is **allowed**. The respondents are directed to accommodate the petitioner in Karaikudi branch by passing necessary orders. The petitioner is directed to join duty on 29.03.2017 by reporting himself at Karaikudi Branch at 10.30 AM. Since the copy of the order may not be ready by today, the learned counsel for the respondents is directed to inform the Branch Manager, Karaikudi Branch, about the order that has been passed by this Court today in the above Writ Petition. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

TA/SRM

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

1.The Managing Director,



Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

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2.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

3.The Assistant Manager, (Personal & Legal)
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

4.The Branch Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Paramakudi Branch, Paramakudi.

1CC TO MR. A. RAHUL, ADVOCATE SR: 18677
1CC TO MR. D. SIVARAMAN, ADVOCATE SR: 18825

MKV SKN RSK
3 4 17
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ORDER MADE IN
W.P. (MD) .No.980 Of 2017

28.03.2017