

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.6454 of 2018
and WMP.Nos.7973 & 7974 of 2018

K.Selvakumar

...

Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation,
Head Office, Coimbatore-43.

2.The General Manager,
Tamil Nadu Transport Corporation,
Head Office, Coimbatore-43.

3.The Branch Manager,
Tamil Nadu Transport Corporation,
Upilipalyam Branch,
Coimbatore.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 06.03.2018 passed by the 2nd respondent in proceedings No.1860/E3B/T.N.T.C (Cbe)/18 and quash the same and direct the 2nd and 3rd respondents not to take any vindictive action against the petitioner.

For Petitioner

: M/s.S.Kumar

For Respondents

: Mr.R.S.Selvam,
Government Advocate

O R D E R

This Writ Petition has been directed against the impugned order of transfer dated 06.03.2018 passed by the second respondent, transferring the petitioner within a short distance of 20kms. As a matter of right, the petitioner has been wrongly advised to come to this Court, without any basis whatsoever.

2. It is well settled legal position that an order of transfer cannot be interfered by this Court or the Tribunal, unless there is breach of statutory rules, order passed with malafide motive and without any authority. The petitioner has come to this Court without satisfying any of the aforementioned three grounds.

3. Mr.R.S.Selvam, learned Government Advocate appearing for the respondents would urge this Court to dismiss this writ petition by submitting that this is a pitiable case where the petitioner has been transferred to a short distance of 20 kms and the petitioner has unnecessarily dragged the respondent department to this Court for no reason.

4. I could also see that the impugned order dated 06.03.2018 has been passed by the second respondent on administrative ground. When an order of transfer has been passed by the respondent on administrative ground, posting the petitioner to a distance of 20 Kms, the petitioner, being the Secretary of the Union, ought not to have come to his Court challenging the same. Therefore, this Court is inclined to impose cost of Rs.5,000/- (Rupees Five Thousand Only) payable by the petitioner to the Tamil Nadu Mediation and Conciliation Centre, High Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

5. This Writ Petition is dismissed, subject to above costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

jvm

1.The Managing Director,
Tamil Nadu Transport Corporation,
Head Office, Coimbatore-43.

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Tamil Nadu Transport Corporation,
Head Office, Coimbatore-43.

3.The Branch Manager,
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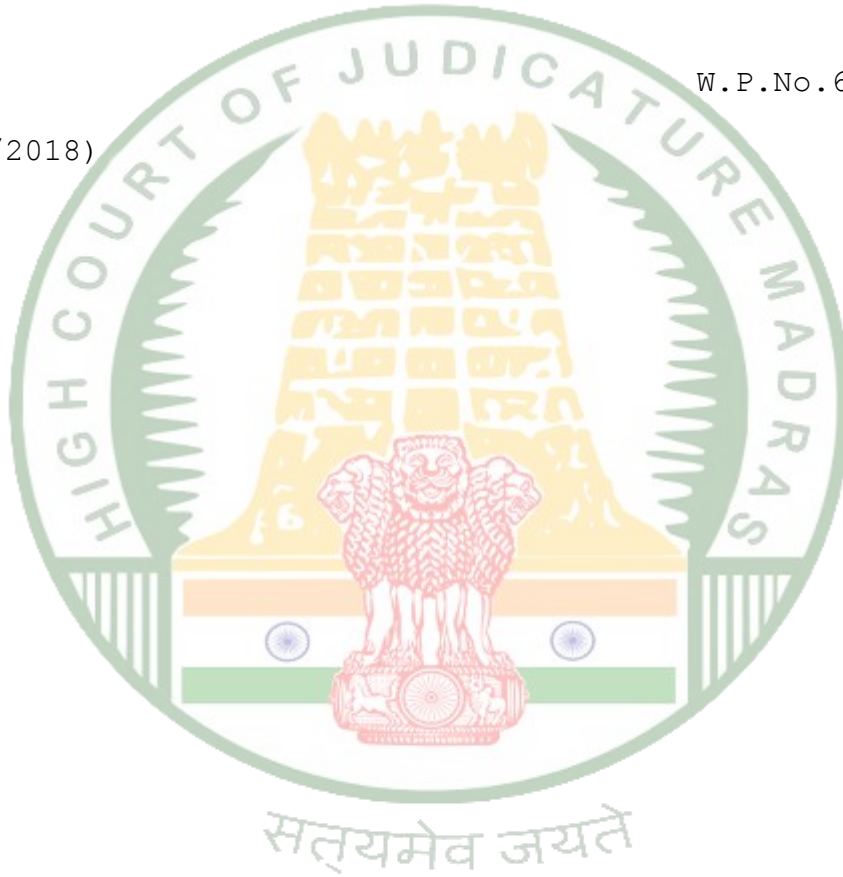
Copy to:

The Secretary,
Tamil Nadu Mediation and Conciliation Centre,
High Court, Madras.

+lcc to Mr.R.S.Selvam, Advocate, S.R.No.21271

W.P.No.6454 of 2018

RRK(10/04/2018)



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