

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.1404 of 2018 and CMP.No.11161 of 2018

P.Venkatasubramanian

... Appellant

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Tiruvannamalai Region,
Tiruvannamalai.

2. The Branch Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Depot-II, Tiruvannamalai.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Cheyyar Depot,
Cheyyar, Tiruvannamalai District.

.... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 13.04.2018 made in W.P.No.33930 of 2017 by a learned Single Judge.

W.P.No.33930 of 2017:

Writ Petition filed under Article 226 of the constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings in Memorandum No.1078/31278/Sa5/TNSTC(Vi)/T.Malai/2017 date 18.11.2017 and his consequential order Ka.Ku.No.1078/31278/T5/TNSTC(Vi)/T.Malai/2017 dated 11.12.2017 and quash the same and further direct the respondents to permit the petitioner to continue his work as a driver DR-45552 at the 2nd respondents depot.

For Appellant	:: Mr.Sarath Chandran
For Respondents	:: Mrs.Rajini Ramadoss
1 to 3	

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 13.04.2018 made in W.P.No.33930/2017 by a learned Single Judge.

2. The Writ Petition has been filed challenging the order of transfer passed by the 1st respondent in his Proceedings dated 18.11.2017 and the consequential order dated 11.12.2017 and to quash the same and also direct the respondents to permit the petitioner to continue his work as driver at the Thiruvannamalai Branch Depot-II. After hearing the submissions made on either side, that Writ Petition was dismissed by the learned Single Judge by order dated 13.04.2018. Aggrieved over the same, the petitioner/appellant is before this Court with this Writ Appeal.

3. Heard the learned Counsel for the appellant and the learned Counsel appearing for the respondents 1 to 3. We have also gone through the typed set of papers filed along with the writ appeal including the order passed by the learned Single Judge.

4. A perusal of the records would go to show that the petitioner/appellant, who joined as a driver in the 1st respondent Corporation, was placed in Depot II at Thiruvannamalai. Thereafter, due to the accident met with by him, he was placed under suspension by Proceedings dated 17.8.2017 by the 1st respondent and thereafter, the same was revoked and he was permitted to join duty on 17.11.2017 at Thiruvannamalai Depot-II. Subsequently, the order dated 18.11.2017 was served on him through registered post on 13.12.2017 transferring the appellant from Thiruvannamalai Depot II to Cheyyar. Challenging the same, the Writ Petition filed by the petitioner was also dismissed. It appears that the petitioner has not joined duty in the transferred post till date. Further, the impugned order dated 18.11.2017 reflects that the same was passed only on administrative ground. Since the appellant has not joined the duty, a consequential order was passed by the 1st respondent dated 11.12.2017 stating the if the petitioner has not joined duty immediately, appropriate disciplinary action would be taken against him. As such, the appellant has not established any ground of jurisdiction, mala fide or the order of transfer is in violation of the statutory rules in force. Therefore, the learned Single Judge has rightly dismissed the writ petition. We do not find any infirmity or error in the order passed by the learned Single Judge.

5. In the result, the Writ Appeal is dismissed. However, we give liberty to the appellant to go and report to the transferred post within a period of two weeks from the date of receipt of a copy of this Order, failing which, it is open to the respondents to take appropriate action against him. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

tsi

+1 CC to Mr. Sarath Chandran, Advocate SR. No. 43092.

W.A.No.1404/2018

SSI (CO)
SP(16/07/2018)



WEB COPY