

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.2601 of 2018 and

M.P.No.3220 of 2018

G.K.Subramaniam (Staff No.C43425)
S/o.S.Karuppanna Gounder
Driver Kodumudi Branch of TNSTC Ltd
Erode Region
56, Beema gounder Lane
Ganapathipalayam, Kodumudi - Post,
PIN : 638 151.
Erode - Dt. .. Petitioner

Vs

1. Managing Director
Tamil Nadu State Transport Corporation Ltd
Regional Office, Coimbatore,
37, Mettuppalayam Road, Coimbatore - 641 043.
2. General Manager,
Tamil Nadu State Transport Corporation LTD
Erode, Regional Office,
45, Chennimalai Road,
Erode - 638 001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records of the 1st respondent issued under ref.97/P2/PD1/TNSTC/CBE/ER/18 dated 29.01.2018 in respect of the petitioner and quash the same as illegal.

For Petitioner : Mr.A.Rajendiran

For Respondents : Mr.R.S.Selvam
Standing Counsel

O R D E R

This Writ Petition is directed against the impugned order of the first respondent dated 29.01.2018, transferring the petitioner from Kodumudi Branch to the Valparai Branch in Coimbatore.

2. Heard both sides.

3. Learned counsel appearing for the petitioner submitted that since the transfer order issued by the first respondent says that he has been transferred on foreign service, the petitioner, being a senior driver, is transferred on foreign services without his consent, which is against Service Rule 47. As per the said Rule, no employee shall be transferred against his will, therefore, the respondent department ought to have obtained the consent of the petitioner before transferring him on foreign service. It is further submitted that the distance between two branches is 185 kms and it will take 6 hours to reach the new station. It is his further contention that as the petitioner is involved in a criminal case between him and other rival employees, he was compelled to come to this Court by filing Crl.O.P.No.15984 of 2017 and obtained an order on 16.08.2017, against the rival union members, due to which, the impugned order came to be passed. He would further submit that since the impugned order of transfer is punitive in nature, challenging the same, this Writ Petition has been filed seeking a prayer cited supra. It is his further contention that the petitioner is not having sufficient experience to drive the vehicle on the hill side section.

4. This Court finds no merit in the above said submissions, for the reason that originally, the petitioner was appointed as a driver in Pollachi in the year 2010, which is also near to Valparai where the petitioner has been transferred by way of present impugned proceeding, hence, the petitioner cannot take a plea that he has been transferred to a far off place. Besides, it is settled legal proposition that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in that matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Therefore, the impugned order of transfer passed by the first respondent due to administrative exigency cannot be questioned by the petitioner.

5. Thus, on this count, I do not find any merit in the writ petition filed by the petitioner and accordingly, it is dismissed as devoid of any merit. No Costs. Consequently, connected M.P. is closed. Consequently, connected M.P is closed.

arr

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To

1. Managing Director
Tamil Nadu State Transport Corporation Ltd
Regional Office, Coimbatore,
37, Mettuppalayam Road, Coimbatore - 641 043.
2. General Manager,
Tamil Nadu State Transport Corporation LTD
Erode, Regional Office,
45, Chennimalai Road,
Erode - 638 001.

+2CC to Mr.A.Rajendiran, Advocate in SR.NO. 9276/18

+1CC to Mr.R.S.Selvam, Government Advocate in SR.NO.
9817/18

W.P.No.2601 of 2018

SV [CO]
MLT-27/03/2018



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