

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.31304 of 2018

D.Asaithambi
Petitioner

Vs

The Managing Director, Metropolitan Transport
Corporation (Chennai) Limited, Chennai-2

Respondent

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondent to consider the last representation of the Petitioner, dated 17.11.2017, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.M.V.Kalai Chithram
For Respondent : Mr.Rajeni Ramadoss

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.Rajeni Ramadoss, the learned counsel takes notice for the Respondent.

2. This Court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the Petitioner was working as a Conductor in the Respondent Transport Corporation and he was transferred, by order dated 07.11.2017, from Chromepet-I Bus Depot to the Tondiarpet-I Bus Depot on the ground of administrative reasons. The Petitioner had made representations dated 14.11.2017 to 17.11.2017 to the Respondent through the registered post, seeking re-transfer either to the Chromepet-I Bus Depot or to any other nearby Depot, by revoking the said transfer order. Since there was no action taken by the Respondent, the Petitioner had preferred a petition, dated 20.11.2017 under

Section 2A of the Industrial Disputes Act before the Assistant Labour Commissioner (Conciliation)-I, Sriperumbudur, Kancheepuram District. Since there was no settlement arrived at between the Petitioner and the Respondent, the Labour Court had sent a report dated 08.03.2019 to the effect that settlement could not be arrived at between the parties and closed the petition. Even thereafter, since there was no action taken on the representations of the Petitioner, this Writ Petition has been filed, seeking the relief as stated above.

4. The learned counsel for the Respondent would submit that he Petitioner cannot seek transfer as a matter of right and he has no legal right to claim transfer to a place of his own choice, but, however, in the event of this Court directing the Respondent to dispose of the representation of the Petitioner, the same will be disposed of, on merits and in accordance with law, within a period to be specified by this Court.

5. Considering the facts and circumstances of the case and the limited scope of the prayer sought for in this Writ Petition, without expressing any opinion on the merits of the case, the Respondent is directed to consider and dispose of the representation of the Petitioner, dated 17.11.2017, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Srcm
To

The Managing Director, Metropolitan Transport Corporation (Chennai) Limited, Chennai-2

+1 CC to Mr.S.R. Karthikeyan, Advocatre sr 81304.
+1 CC to Mr.S.Rajeni Ramadoss, advocate sr 87911.

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MR(CO)
SP(27/12/2018)