



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.06.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.11890 of 2018
and
W.M.P. (MD) Nos.10844 & 10845 of 2018

K.R.Muthukumar

...Petitioner

Vs.

- 1) The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam Division,
Thanjavur District.
- 2) The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi,
Sivagangai District.
- 3) The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Thiruppathur Branch,
Sivagangai District.
- 4) The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Rameshwaram Branch,
Ramanathapuram District.
- 5) The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Madurai Branch,
Ulaganeri, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in TNAPOAKA/N19/111/25 dated 31.01.2017 passed by the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondents to transfer the petitioner from the 4th respondent Corporation to the 5th respondent Corporation in view of family circumstances in the light of the petitioner's representation in person and through post.



For Petitioner : Mr.M.Digvijayapandian

For Respondents : Mr.D.Sivaraman,
Learned Standing Counsel

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ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in TNAPOAKA/N19/111/25 dated 31.01.2017 passed by the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondents to transfer the petitioner from the 4th respondent Corporation to the 5th respondent Corporation in view of family circumstances in the light of the petitioner's representation in person and through post.

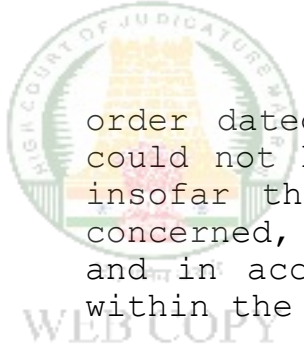
2. Heard Mr.M.Digvijayapandian, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3. Learned counsel appearing for the petitioner would submit that the petitioner had been transferred to Rameshwaram Branch, by impugned order dated 31.01.2017. Pursuant to which, though it was like a punitive transfer, as he had been driven to serve at Rameshwaram Branch as a punishment, the petitioner, had not immediately challenged the order and has joined duty and has been working there (i.e.,) at Rameshwaram Branch for the past more than 13 months.

4. However, immediately after the said order, on 16.03.2017, the petitioner had given a representation to the respondent Corporation to consider his request of transfer to any branch at Madurai District. The said representation was not considered and thereafter, several reminder representations seems to have been given by the writ petitioner and on 20.04.2018, his last reminder representation was also given to the first respondent, seeking re-transfer of the petitioner to Madurai, as he had already completed serving one and a half year at Rameshwaram Branch, which is a far-off place.

5. Learned counsel for the petitioner would further submit that even though the impugned order dated 31.01.2017 is under challenge now, the petitioner is confined with the prayer that, if a direction is given to the respondents to consider the representation of the petitioner, afore mentioned, to consider his request for transferring him to Madurai District, the petitioner would be satisfied.

6. Heard Mr.D.Sivaraman, learned standing counsel appearing for the respondent Corporation, who would submit that the impugned



order dated 31.01.2017 has been acted upon by both parties, hence could not be assailed at this stage. He would further submit that, insofar the purpose of transferring the petitioner to Madurai is concerned, the same shall be considered by the respondents on merits and in accordance with law and a decision thereon would be taken within the time frame fixed by this Court.

7. Considering the said submissions made by the learned counsel appearing for both sides, this Writ Petition is disposed of with the following direction:

"that the second respondent is directed to consider the representation of the petitioner dated 16.03.2018 and his latest reminder representation dated 20.04.2018, with regard to the grievance of the petitioner, who seeks transfer from Rameshwaram to Madurai and pass orders thereon on merits and in accordance with law."

8. While considering the said representations, the second respondent shall take into account that, the petitioner has already been subjected to transfer four times between 2012 to 2015 and also that the petitioner, now, has been serving at Rameshwaram branch, which is 185 kms from his place (i.e) at Madurai. A reasoned order to that effect, on considering the above said factors shall be passed within a period of four weeks from the date of receipt of a copy of this order.

9. A copy of the reminder representation dated 20.04.2018 shall be immediately forwarded by the petitioner within a period of one week from the date of receipt of a copy of this order to the second respondent, who shall act upon as directed above. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1) The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam Division,
Thanjavur District.

2) The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi,
Sivagangai District.



3) The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Thiruppathur Branch,
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4) The Branch Manager,
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(Kumbakonam) Limited,
Rameshwaram Branch,
Ramanathapuram District.

5) The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Madurai Branch,
Ulaganeri, Madurai District.

+1CC to Mr.M.Digvijayapandian, Advocate, SR.No. 66758
+1CC to Mr.D.Sivaraman, Advocate, SR.No.66717

Order made in
W.P. (MD) No.11890 of 2018
05.06.2018

STS
ES/PM/SAR 1/27.10.2018/4P/8C