



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Appeal (MD).No.1334 of 2017
and
C.M.P. (MD).No.9427 of 2017

G.Sudar

... Appellant/ Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Vannarapetti,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Vannarapettai,
Tirunelveli.

3.The Branch Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Division,
Papanasam Branch,
Papanasam,
Tirunelveli District.

... Respondents/ Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 11.09.2017 made in W.P(MD).No.17069 of 2017 .

Prayer in WP(MD). 17069/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari in the nature of writ calling for the records pertaining to the impugned transfer order passed by the 2nd Respondent in No.A.A.No.9946/Niya 11/Tha.A.PO.Ka./(Thili)/Thili/16 dated 21.08.2017 and quash the same .

For Petitioner

: Mr.K.Guhan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.K.Sathiya Singh
for R1 & R2

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

Heard Mr.K.Guhan, learned counsel appearing for the appellant and Mr.K.Sathiya Singh, learned counsel appearing for the first and second respondents.

2.This writ appeal is directed against the order in W.P(MD). No.17069 of 2017, dated 11.09.2017. The appellant filed a writ petition against the order of transfer, dated 21.08.2017, transferring the petitioner from Papanasam Branch to Thamirabarani Branch. Admittedly, the distance between the both these Branches is about 50 kms. The settled legal position is that the transfer is not only incident of service, but also a condition of service. Merely because the appellant has been transferred, there is no stigma cast upon him.

3.The learned counsel for the appellant pleaded personal difficulties. These difficulties are now-a-days faced by every person including every employee of the transport corporation and others. He further submits that the appellant is a Trade Union activist. However, there is nothing on record to show that the impugned order is vitiated on the ground of malafides that to, when there is no specific allegation of malafide.

4.Therefore, we find that there is no error in the order passed in the writ petition. Accordingly, the Writ Appeal is dismissed. The appellant is granted three days time to join in the transferred place from the date of receipt of a copy of this order. No Costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s.K.Sathiya Singh, Advocate, SR.No.48501

+One cc to M/s.K.Guhan, Advocate, SR.No.48498

rmk/mrn

RL/3C/2P/CVC/SAR1/2/3/2018

Writ Appeal (MD).No.1334 of 2017

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