



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.4687 of 2014
and M.P. (MD) Nos.1, 2 & 3 of 2014

J.Prabakaran : Petitioner

Vs.

- 1.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
(Madurai), Madurai Zone (Admn.)
Madurai.
- 2.The Branch Manager
Tamil Nadu State Transport Corporation Ltd.,
T.Kallupatti Branch,
Madurai District.
- 3.T.Arumugasamy
The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
T.Kallupatti Branch, Madurai District. : Respondents

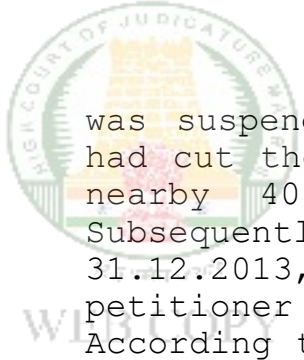
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of transfer passed by the first respondent in ref.Admn/A4/4872/2013 dated 31.12.2013 served on the petitioner on 06.03.2014 and quash the same and consequently direct the respondents No.2 herein to allow the petitioner herein to continue as Driver under the second respondent branch.

For Petitioner	: Mr.K.Appadurai
For Respondents	: Mr.A.P.Muthupandian

ORDER

This Writ Petition has been filed to quash the impugned order of transfer passed by the first respondent in ref.Admn/A4/4872/2013 dated 31.12.2013 served on the petitioner on 06.03.2014 and to direct the second respondent to allow the petitioner herein to continue as Driver under the second respondent branch.

2.The petitioner was serving as driver at the second respondent corporation, is represented by its Branch Manager. The petitioner



was suspended on 07.12.2013 on the allegation that the petitioner had cut the trip from Thirumangalam to Periyar Bus Stand, which is nearby 40 k.m and caused income loss to the corporation. Subsequently, the suspension order was revoked on 10.12.2013. On 31.12.2013, the corporation issued transfer order transferring the petitioner from T.Kallupatti Branch to Thirupuvanam Branch. According to the petitioner, the transfer order was malafide as the petitioner filed a complaint against the second respondent, which is resulted in filing of First Information Report.

3.In the meantime, the petitioner had obtained order of status quo on 26.08.2014. Almost four years and few months lapsed since then the stay order is in-force. The order of transfer, dated 31.12.2013, had not been given effect.

4.In view of the same, the petitioner is permitted to continue to serve in the respondent corporation at T.Kallupatti. The transfer order is quashed while preserving the rights and liberty of the respondent corporation to transfer the petitioner to any other place as per relevant rules, governing the corporation. It is made clear that future transfer if any, should be only an administrative grounds and should not be issued with a view to victimise the petitioner on account of any past conduct. Accordingly, the impugned order is hereby quashed and this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

+1cc to Mr.A.P.Muthupandian Advocate in SR.No.95248
+1cc to Mr.K.Appadurai Advocate in SR.No.95019

W.P. (MD)No.4687 of 2014
13.11.2018

GNS

S.P PM SAR3 24.12.2018 2P 3C