



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.02.2018
CORAM:

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

W.A(MD)No.1599 of 2016
and
W.P(MD)No.14649 of 2016
and
W.M.P(MD)No.10869 of 2016

W.A(MD)No.1599 of 2016:

D.Sundarsingh

.. Appellant/
Petitioner

Vs.

1.The General Manager,
State Express Transport Corporation,
Pallavan Salai, Chennai-2.

2.The Commercial Manager,
State Express Transport Corporation,
Pallavan Salai, Chennai-2.

3.The Branch Manager,
State Express Transport Corporation,
Marthandam Branch, Marthandam,
Kanyakumari District.

.. Respondents/
Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order, dated 27.07.2016, made in W.P(MD)No.13195 of 2016.

Prayer in WP(MD). 13195/ 2016 :-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to permit the petitioner to join duty and consider the petitioners representation dated 27.06.2016.

For Appellant

: Mr.D.Christenson Jugunu

For Respondents

: Mr.K.Sathyasingh



W.P(MD)No.14649 of 2016:

D.Sundarsingh

.. Petitioner

Vs.

1.The General Manager (O&A),
State Express Transport Corporation,
Pallavan Salai, Chennai-2.

2.The Branch Manager,
State Express Transport Corporation,
Marthandam Branch, Marthandam,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for all the connected and relevant records relating to the impugned order No.040934/HR3/SETCTN/2016/3753, dated 23.07.2016, passed by the first respondent and quash the same and consequently direct the respondents to permit the petitioner to join duty in Marthandam branch.

For Petitioner : Mr.D.Christenson Jugunu

For Respondents : Mr.K.Sathyasingh

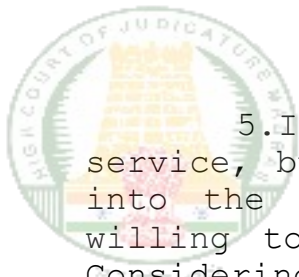
C O M M O N J U D G M E N T

[Common Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]
Heard Mr.Christenson Jugunu, learned counsel appearing for the appellant/petitioner as well as Mr.A.Sathyasingh, learned counsel, appearing for the respondents.

2.W.A(MD)No.1599 of 2016 is directed against the order, dated 27.07.2016, made in W.P(MD)No.13195 of 2016.

3.In W.P(MD)No.13195 of 2016, the appellant/petitioner sought for a direction upon the respondents to permit him to join duty by considering his representation, dated 27.06.2016. The Writ Court took into consideration the factual position as well as the legal position and found that there is no justification to grant the prayer sought for and ultimately dismissed the writ petition.

4.The learned counsel appearing for the appellant/petitioner would state that without issuing any charge memo, the petitioner has been victimised and transferred from Marthandam to Puducherry and that apart, though he was willing to join duty, the respondents are not permitting him to join. The said contention is denied by the learned counsel appearing for the respondents.



5. In our considered view, transfer is not only an incident of service, but also a condition of service. Therefore, we do not go into the controversy as to whether the appellant/petitioner was willing to join and prevented by the respondents or vice versa. Considering the factual position and while confirming the order passed in W.P(MD)No.13195 of 2016, we direct the appellant/petitioner to join duty in the respondent Corporation on or before 15.03.2018. If the appellant/petitioner reports for duty, the respondent Corporation shall permit him to join duty.

6. With the above direction, the writ appeal is disposed of. Consequently, W.P(MD)No.14649 of 2016 and connected Miscellaneous Petition are dismissed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1. The General Manager (O&A),
State Express Transport Corporation,
Pallavan Salai, Chennai-2.
2. The Commercial Manager,
State Express Transport Corporation,
Pallavan Salai, Chennai-2.
3. The Branch Manager,
State Express Transport Corporation,
Marthandam Branch, Marthandam,
Kanyakumari District.

+2 ccs to Mr.D.Christonson Jugunu, Advocate, SR.Nos.50625, 50626

+2ccs to Mr.K.Sathya Singh, Advocate, SR.Nos.50720 and 50722

smn

RL/8C/3P/CVC/SAR4/8/3/2018

COMMON JUDGMENT MADE IN
W.A(MD)No.1599 of 2016

and
W.P(MD)No.14649 of 2016
and

W.M.P(MD)No.10869 of 2016
22.02.2018