



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.08.2018
CORAM:
THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.17824 of 2018
and W.M.P.(MD)Nos.15702 and 15703 of 2018

C.Senthurpandian

... Petitioner

Vs.

1.The Management of State Express Transport
Corporation (Tamilnadu) Ltd.,
Rep.by its Managing Director, Chennai - 02.

2.The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pllavan Salai,Chennai - 02.

3.Ponmudi
The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pllavan Salai, Chennai - 02. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of transfer in Ref.No.018112/MaVa3/SETC TN/2018/4479, dated 27.07.2018, quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Sathiyasingh, for R1 and R2

ORDER

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of transfer in Ref.No.018112/MaVa3/SETC TN/2018/4479, dated 27.07.2018 and quash the same.

2.The petitioner is working as Selection Grade Senior Conductor in respondent / Corporation. The petitioner was issued with a charge memo dated 27.07.2018 alleging that based on his instigation, one Murugan and three others have abused one C.Veluthai in filthy language and that a case has been registered in Crime No.417 of 2018 by the Thudialur Police Station, Coimbatore. Further, by passing another order dated 27.07.2018, he was transferred from Coimbatore to Trichy. In this regard, the petitioner has submitted a representation dated 29.07.2018 requesting to cancel the said transfer.



3.The grievance of the petitioner is that as he has not been arrayed as an accused in the said criminal case and as on date, no FIR is pending against him, the said transfer order is passed with mala fide intention. Challenging the same, the petitioner is before this Court with the aforesaid prayer.

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4.The learned standing counsel appearing for the respondent / Corporation submitted that the petitioner has been relieved as early as on 28.07.2018 and he has reported to duty at Trichy. However, the learned counsel for the petitioner submitted that the said relieving order has not been served on the petitioner and the same is affixed in the notice board of the office of the respondents / Corporation.

5.Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents 1 and 2.

6.As the petitioner has not been arrayed as an accused in the above said Criminal case and it is alleged that the relieving order has not been served on the petitioner, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 29.07.2018 for cancellation of the said transfer order, within a period of 10 days from the date of receipt of a copy of this order, if the relieving order has not been despatched / served on the petitioner. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Managing Director,
Management of State Express Transport
Corporation (Tamilnadu) Ltd.,Chennai - 02.

2.The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pllavan Salai, Chennai - 02.

+1CC to Mr.A.Rahul, Advocate, SR.No.78390

+1CC to Mr.K.Sathiyasingh, Advocate, SR.No.78473

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and W.M.P. (MD) Nos.15702 and 15703 of 2018
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