



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21666 of 2017

and

WMP(MD)Nos.17960 & 17961 of 2017

Govindaraj

... Petitioner

Vs.

1. The General Manager (O&A),
State Express Transport Corporation
(Tamilnadu) Ltd,
Pallavan Salai,
Chennai - 600 002.

2. The Branch Manager,
State Express Transport Corporation
(Tamilnadu) Ltd, Trichy.

3. State Express Transport
Corporation(Tamilnadu) Ltd,
Pallavan Salai,
Chennai - 600 002.
Rep.by its Managing Director.

... Respondents

Prayer: This Writ Petition is 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 transfer order of the first respondent in respect of the petitioner in order No.058773/HR4/SETC/TN/2013/4233 dated 30.10.2017 in respect of the petitioner and consequential relieving order of the second respondent in his Memo No.1764/அ2/அவிபோக/திரு/17 dated 13.11.2017 and quash the same and consequently directing the respondents to permit the petitioner to work in the present place ie., Trichy branch of the respondent corporation.

For Petitioner	: Mr.V.Kannan
For Respondents	: Mr.K.Sathyasingh
	Standing Counsel

ORDER

The petitioner was appointed as a Driver cum Conductor in the respondent corporation. He was transferred to Trichy branch on 18.04.2016.



2.It was alleged that the writ petitioner had committed some misconduct. He was therefore suspended from service by order dated 17.08.2017. He was however reinstated on 23.10.2017 and thereafter transferred from Trichy to Tanjore. This order is under challenge in this writ petition.

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3.The learned counsel appearing for the writ petitioner placing reliance on the decision of this Court reported in **2016 (2) CWC 186 (S.Ramasamy v. The Director of Town Panchayats)** contended that if an order of transfer is passed in lieu of punishment, the same is illegal and liable to be set aside.

4.The learned standing counsel appearing for the respondents on the other hand relied on a subsequent decision of this Court dated 11.09.2017 in **WP (MD) No.17069 of 2017**. This Court had held that in order to avoid prolonged suspension, an employee can be reinstated and transferred to some other place. Therefore, the decision relied upon by the learned counsel appearing for the writ petitioner is clearly distinguishable. In the present case, the transfer was not in lieu of punishment, but only to avoid suspension. Further, the writ petitioner has after all been transferred from Trichy to Tanjore. The distance between the two is a mere 50 Kilometers. I find no infirmity in the impugned order of transfer.

5.This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.V.Kannan, Advocate Sr.No.40872
+1cc to Mr.K.Sathyasingh, Advocate Sr.No.40341

SKM

VB/KK/SAR3/17/01/2018/2P/3C

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