



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) Nos.15283 and 15284 of 2011

and

M.P. (MD) No.1 of 2011

in

W.P. (MD) No.15284 of 2011

1.K.Murugesan ... Petitioner in W.P. (MD) No.15283 of 2011
2.N.Periyasamy ... Petitioner in W.P. (MD) No.15284 of 2011

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye-pass Road,
Madurai - 625 010.
2. Mr.B.Chandrasekaran,
General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye-pass Road,
Madurai - 625 010.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Depot, Madurai District.
4. Mr.Markannu (Staff No.CR 10281),
Treasurer, Anna Thozhir Sangam,
Melur Branch,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Depot, Madurai District.
5. Mr.Selvaraj (Staff No.DR 6205)
Secretary, Anna Thozhir Sangam,
Melur Branch,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Depot, Madurai District. ... Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the
Constitution of India, to issue a writ of Certiorari, calling for
the records relating to the impugned order transfer passed by the



1st respondent in Ref.No.Niruvagam/A4/1112/2011 dated 20.12.2011 and quash the same in so far the petitioner is concerned.

For Petitioner : Mr.A.Rahul
(in both W.Ps)

For Respondents : Mr.A.P.Muthupandian
(in both W.Ps)

C O M M O N O R D E R

The order of transfer issued by the first respondent in proceeding dated 20.12.2011, transferring the writ petitioners from Melur, Madurai District to Disciplinary Section at Madurai is under challenge.

2.The writ petitioners are employed in the Tamil Nadu State Transport Corporation and they claim that they were the elected Officer Bearers of Labour Progressive Federation under the pretext of the state Officer Bearership of an Association, the writ petitioners claim that they should not be transferred. It is unfortunate to state that transfer of the writ petitioners from Melur, Madurai District is under challenge. The distance between Melur is about 25 kilo meters and the writ petitioners have filed this writ petitions challenging same.

3.The transfer is an incidental to service, more so, a condition of service. The public servants are bound to work in a place in which they are posted. Certain preferences may be given to the Office Bearers of an Union or Association enabling them to perform their duty as an Office Bearers. Certainly Office Bearers of an Association or Union is absolutely not exempted from administrative transfers. There is no rule to prohibit transfers in respect of the Office Bearers of an Union or Association. However, certain facilities are provided to the Office Bearers by virtue of their status in the Union. But the same cannot be misused or abused for the purpose of avoiding the administrative transfers, which all are issued to maintain the efficiency of public administration.

4.In the case on hand, the impugned transfer order was issued, transferring the writ petitioner from Melur to Madurai District and therefore, there cannot be any impediment for the writ petitioner to perform his duty as an Office Bearer of an Union or Association. There cannot be any much inconvenience in respect of the places, because, the distance between Melur and Madurai is very short. In spite of all these benefits and facilities, the writ petitioner has chosen to challenge the said order of transfer and in this regard, this Court is of an opinion that the attitude and the conduct of the writ petitioners are to be deprecated.



5.Place or post can never be claimed as matter of choice and the employee wherever posted is to work in the interest of public administration. This apart, the transfer order was issued on 22.12.2011 and by virtue of the interim stay granted in this writ petition, the writ petitioners had already continued in the same station for more than six years. Under these circumstances, the authorities are bound to review the order of transfer and by considering the merits and demerits of the case.

5.Thus, the writ petitioners cannot claim any immunity from transfers and they are liable to be transferred in accordance with the rules in force. It is for the respondent to take decision in respect of the order of transfer of the writ petitioners in the interest of public administration.

6.Accordingly, these Writ Petitions are dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

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5. Mr.Selvaraj (Staff No.DR 6205)
Secretary, Anna Thozhir Sangam,
Melur Branch,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Depot, Madurai District.

+1cc to Mr.A.Rahul, Advocate Sr.No.43860

IA/MM

VB/SKN/RSK/SAR4/06.04.2018/4P/7C

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