

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 1924 of 2019

and

WMP.No.2135 of 2019

Chandrasekar

..Petitioner

vs

1. The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Ltd.,  
Salem-7.

2. The Branch Manager,  
Tamil Nadu State Transport Corporation (Salem) Ltd.,  
Mettur Branch, Mettur Dam,  
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari or order or direction in the nature of a writ calling for the records relating to the order of transfer passed in No.E2/81/TNSTC(Salem)/2019 dated 07.01.2019 on the file of the 1<sup>st</sup> respondent quash the same.

For Petitioner : Mr. Elangovan V

O R D E R

Order of transfer issued by the first respondent in proceedings dated 07.01.2019 is under challenge in the present Writ Petition.

2. The writ petitioner was transferred to Erumapalayam Branch on administrative grounds. The learned counsel for the writ petitioner states that the bus driven by the writ petitioner met with an accident and therefore the writ petitioner is transferred to another branch. Under these circumstances, the order of transfer is to be construed as a punishment and accordingly liable to be scrapped.

3. This Court is of the opinion that in respect of the accident took place, a criminal case was registered in Cr.No.76 of 2018 under sections 279 & 337 of Indian Penal Code. However, transfer was issued on administrative grounds.

4. Admittedly, the accident took place and criminal case was registered against the writ petitioner. Merely registration of a criminal complaint would not preclude the competent authority from issuing an order of administrative transfer. Transfers are issued on various grounds. Thus, the contention of the writ petitioner is that the impugned order of transfer has been issued in view of the accident took place cannot be considered at all.

5. Routine invasion in the administrative transfers are not preferable and judicial review in this regard is certainly limited. The writ petitioner has not established any malice either on facts or on law. Thus, the ground raised that the writ petitioner met with an accident and a criminal case is registered cannot be a ground to quash the impugned order of transfer.

6. Transfer is an incidental service more so a condition of service. The writ petitioner has been transferred from one branch to another branch. The decision was taken on administrative grounds by the competent authorities. Under these circumstances, this Court is not inclined to interfere with the administrative order of transfer and the writ petitioner if at all pleads any personal grievances, the same is to be addressed to the competent authority who in turn can consider for the redressal of personal grievances.

7. With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrn

To

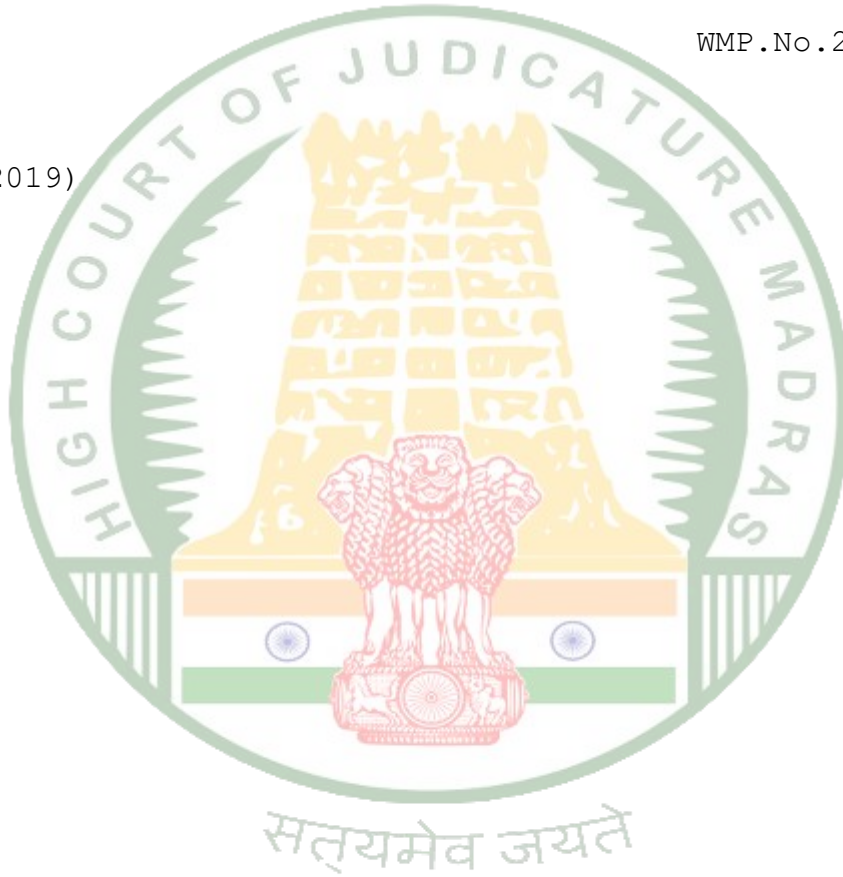
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Salem District.

+1 CC to Mr.S.Doraisamy, Advocate sr 20787.

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LN (CO)  
SP(27/03/2019)



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