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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

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THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WP (MD) No.13950 of 2019

AND

W.M.P. (MD) Nos.10453 & 10454 OF 2019

V. Murugan

... Petitioner

Vs

1. The General Manager,

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi,
Sivagangai District.

2. The Deputy Manager,

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi,
Sivagangai District.

3. The Branch Manager

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Sivagangai Branch, Sivagangai
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari and Mandamus, calling
for the entire records relating to the impugned order of transfer
issued by the 2nd respondent dated 13.06.2019, quash the same and
consequently permit the petitioner to join duty as a driver in the



Corporation, Sivagangai, within a stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Veeranasamy

For Respondents : Mr. D.Sivaraman

ORDER

This Writ petition has been filed seeking to quash the impugned order to transfer issued by the second respondent, dated 13.06.2019, and consequently, permit the petitioner to join duty as a driver in the officer of the third respondent herein, i.e., Tamil Nadu State Transport Corporation, Sivagangai, within a time frame to be fixed by this Court.

2. Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents.

3.The learned counsel appearing for the petitioner submitted that the impugned order of transfer is motivated with bias and baseless. Even though the reason has been stated in the impugned order that the same was passed due to administrative reasons the intention behind in passing the order is, the alleged involvement of accident by the petitioner. But, the facts remains that the Police authorities have already closed the criminal case registered against the petitioner. Therefore, the said transfer order is illegal and the same is liable to be quashed.

4.The learned Standing Counsel appearing for the respondents submitted that the impugned transfer Order is nothing to do with the criminal case registered against the petitioner. Due to administrative reasons, the respondent corporation has passed the



impugned order and the said order is perfectly valid and therefore, the learned Standing Counsel, prayed for dismissal of this Writ Petition.

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5. This Court in a umpteen number of judgments has held that transfer is an incident of service and no employee has any vested right to claim posting at a particular place of his choice. In the absence of any arbitrariness or *malafides*, it is not open to the petitioner to challenge the transfer order. Therefore, this Court is not inclined to entertain the Writ Petition, as there is no *prima facie* case is made out.

6. In the result, this Writ Petition is dismissed with liberty to the petitioner to make a representation to the first respondent. If any such representation is received, the same shall be considered by the first respondent as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AD - I)

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Sub-Assistant Registrar (C.S.)

TO

1.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,Karaikudi,
Sivagangai District.

2.The Deputy Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,Karaikudi,
Sivagangai District.



3.The Branch Manager

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Sivagangai Branch, Sivagangai
Sivagangai District.

1CC TO MR. S. VEERANASAMY, ADVOCATE SR 70847

1CC TO MR.D. SIVARAMAN, ADVOCATE SR 70561

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