



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) Nos.16477 to 16482 of 2014andM.P. (MD) .Nos.1,1,1,1,1,1,2,2,2,2,2,2,3,3,3,3,3 and 3 of 2014W.P. (MD) .No.16477 of 2014andM.P. (MD) .Nos.1,2 and 3 of 2014

G.Raja

Driver 07 DR 015

Tamil Nadu State Transport Corporation

Thanjavur (Moffusil) Branch

Thanjavur.

... Petitioner

Vs.

1.The Secretary to Government,
Transport (RW 1) Department,
Secretariat,
Chennai-600 009.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3.The Branch Manager,
Thanjavur Mofussil Branch,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Thanjavur.

4.Mr.Chandrasekaran
The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

... Respondents



pertaining to the impugned order passed by the second respondent in Office Order No:TNSTC/KUM-REG/E3/DR/09/2014-2 dated 18.09.2014 and consequential relieving order of the 3rd respondent in ref:TNSTC/KILAI TAN (M) TRA No.SPL dated 19.09.2014.

W.P. (MD) Nos.16478 to 16482 of 2014

M.Rajaram ... Petitioner in WP(MD). 16478/ 2014
P.Gopi ... Petitioner in WP(MD). 16479/ 2014
N.Saravanan ... Petitioner in WP(MD). 16480/ 2014
V.Jeyakumar ... Petitioner in WP(MD). 16481/ 2014
G.Prakash ... Petitioner in WP(MD). 16482/ 2014

- Vs. -

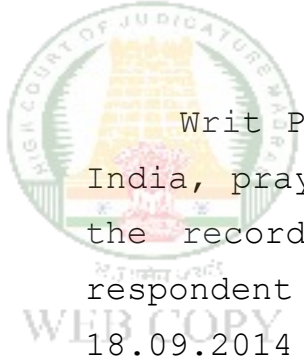
1. The Sercretary to Government,
Transport (Rw 1) Department,
Secretariat, Chennai- 009.
2. The General Manager,
Tamilnadu State Transport Corporation , (Kumbakonam) Ltd.,
Kumbakonam Region. Kumbakonam.
3. The Branch Manager,
Thanjavur Mofussi Branch,
Tamilnadu State Transfort Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam
- 4.Mr.Chandrasekaran ... Respondents in W.P.(MD)Nos.16478 to 16482
of 2014

Prayer in WP(MD)Nos..16478 of 2014

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd Respondent in office order NO. TNSTC/KUM- REG/E3/DR/09/2014-2 DATED 18.09.2014 and consequential releiving order 19.09.2014.

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP(MD). 16479/ 2014 :



Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Office Order NO. TNSTC/KUM-REG/E3/DR/09/2014-2 dated 18.09.2014 and consequential relieving order of the 3rd respondent in ref:TNSTC/KILAI TAN(M) TRA No. SPL dated 19.09.2014 and pass such further or other orders.

Prayer in WP(MD) . 16480/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Office Order NO. TNSTC/KUM-REG/E3/DR/09/2014-2 dated 18.09.2014 and consequential relieving order of the 3rd respondent in ref:TNSTC/KILAI TAN(M) TRA No. SPL dated 19.09.2014 and pass such further or other orders.

Prayer in WP(MD) . 16481/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd Respondent in office order NO. TNSTC/KUM- REG/E2/DR/09-01/2014-DATED 18.09.2014 and consequential relieving order of the 3rd Respondent in Ref. TNSTC/KILAI TAN (M) TRA NO. SPL: dated 19.09.2014.

Prayer in WP(MD) . 16482/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Office Order NO. TNSTC/KUM-REG/E2/CR/09-01-2014 dated 18.09.2014 and consequential relieving order of the 3rd respondent in ref:TNSTC/KILAI TAN(M) TRA No. SPL dated 19.09.2014 and pass such



For Petitioner in all
W.Ps

: Mr.A.Rahul

For R1 in all W.Ps

: Mr.C.Ramar

Additional Government Pleader

For R2 to R4 in
all W.Ps

: Mr.D.Sivaraman

WEB COPY

COMMON ORDER

The impugned order in these writ petitions are the transfer orders issued by the second respondent transferring these writ petitioners from one Branch to another Branch of the Transport Corporation.

2.Though the writ petitions are filed on the ground that the transfer orders impugned were issued on malafide grounds and on the ground that the writ petitioners belong to a particular Trade Union, this Court is of the considered opinion that those grounds lost its relevance on account of efflux of time. The officer, who issued the transfer orders are not holding the particular post as of now and that apart, certain malafide grounds raised in the year 2014 also lost its relevance and significance on account of the fact that the writ petitions are pending for the past about 5 ½ years.

3.This Court is of the considered opinion that the transfer is an incidental to service. Moreso, a condition of service. On acceptance of appointment in public services, an employee is liable to be transferred on administrative grounds. Undoubtedly, if a transfer is on the ground of malafide, an employee is entitled to challenge the same, however, the allegations are to be substantiated and established so as to interfere with an order of transfer. As far as the present writ petitions are concerned, the allegations lost its significance, as many years passed. Under these circumstances, the learned counsel for the writ petitioners also made a submission that the writ petitioners had joined in the transferred place. Though the said submission is disputed, this Court is of the opinion that whether the writ petitioners had joined in the transferred place or continuing in the present place, it is for the competent authority to effect transfers on administrative grounds and for the efficient functioning of the Transport Corporation and in the interest of public at large. Thus, the authorities competent are empowered to issue such administrative transfer order for smooth and efficient functioning of the public administration. This being the basic principles to be followed, this Court is of the considered opinion that the administrative transfer issued cannot be interfered with by the High Court in a routine manner and only on exceptional circumstances and the High Court can interfere with such orders of administrative transfers issued.

4.As far as the present writ petitions are concerned, already the writ petitioners have served in a same place for many number of years admittedly. Thus, appropriate steps if necessary, can be taken by the competent authorities in the interest of administration. As far as the writ petitions are concerned, if any of the petitioners having any personal grievance, they are at liberty to submit representation and approach the competent authority for the purpose of the redressal of their grievances in the manner known to law.

5.This being the factum, no further adjudication in respect of the grounds raised in these writ petitions needs to be undertaken and accordingly, all these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

Ns

To

1.The Secretary to Government,
Transport (RW 1) Department,
Secretariat,
Chennai-600 009.

1CC TO MR. D.SIVARAMAN,ADVOCATE SR 69987

1CC TO THE SPL GOVT PLEADER SR 70290

KK

17/07/2019

5P 4C

W.P. (MD) Nos.16477 to 16482 of 2014
and M.P. (MD) .Nos.1,1,1,1,1,1,2,2,2,2,2,2,3,3,3,3,3 and 3 of 2014

19.06.2019