



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.23238 of 2015

and

M.P. (MD) No.1 of 2015

S.Kandasamy

... Petitioner

vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director
Kumbakonam

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

3.Pandian
The General Manager
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy

4.The Branch Manager
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Manapparai Branch
Trichy District

5.P.Ravi
The Branch Manager
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Manapparai Branch, Trichy District

6.The Deputy Manager (Personnel)
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Reconditioning Unit, Thuvakudi
Trichirappalli-620 015

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the impugned transfer order passed by the 2nd respondent in Ref : Tha.Aa.Po.Ka/Trichy/Pa.Pi-P4/1716/2015 dated 16.12.2015, and consequential relieving order passed by the 6th respondent in Ref: Tha.Aa.Po.Ka/Kilai/RC/TVK No.4352 dated 18.12.2015.



For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

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The order of transfer passed by the second respondent, in proceedings dated 16.12.2015 and the consequential relieving order passed by the sixth respondent, in proceedings dated 18.12.2015, are under challenge in the present writ petition.

2. The writ petitioner, who was employed as Helper in the respondent / Transport Corporation, was transferred from Thuvakkudi to Jeyamkondam.

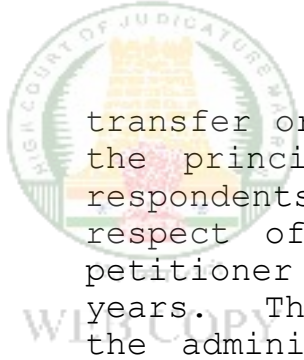
3. The learned counsel for the writ petitioner states that the writ petitioner was subjected to two transfers within a month and therefore, he is constrained to approach this Court by way of filing the present writ petition.

4. It is contended that the writ petitioner was transferred twice within a month without any valid reason. On that ground, this Court granted an order of interim stay and by virtue of the same, the writ petitioner is continuing in the same place i.e. Thuvakkudi.

5. However, the fact remains that the writ petitioner has already served in the same station for more than five years. Therefore, no further consideration in respect of the impugned order of transfer is required and it is left open to the Management to take a decision in the interest of administration.

6. Transfer is an incidental to service, moreso a condition of service. On acceptance of the order of appointment, the employee is accepting the service conditions. When the transfer is a service condition, the Courts would not interfere with the order of transfer made on administrative grounds. Routine interference by the Courts in the administrative transfers would affect the efficient functioning of the public administration. The order of administrative transfer can be interfered only on exceptional ground, if it was passed by an incompetent authority or there was *mala fide* intention, which was established or in violation of statutory rules in force.

7. Administrative transfers are issued on various grounds. If the competent authority is of the opinion that further continuance of an employee in a particular station would cause inconvenience to the public administration, transfers can be issued on administrative grounds. Thus, the authority competent has to assess the field situation, take a decision for the efficient functioning of the administration as well as the welfare of the public at large. Transport Corporation being a sensitive Department has to ascertain the facts and circumstances and accordingly, issue



transfer orders in the interest of the public at large. This being the principles to be followed, there is no impediment for the respondents to take a decision in the interest of administration in respect of transfers. However, the fact remains that the writ petitioner is continuing in the same station for more than five years. Thus, no further interference is called for. However, if the administrative interest warrants, suitable decision shall be taken by the competent authorities.

8. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam
2. The General Manager
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy
3. The Branch Manager
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Manapparai Branch
Trichy District
4. The Deputy Manager (Personnel)
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Reconditioning Unit, Thuvakudi
Trichirappalli-620 015

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-70815[F] dated 24/06/2019)

W.P. (MD) No.23238 of 2015

and

M.P. (MD) No.1 of 2015

21.06.2019