



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19517 of 2019

and

W.M.P. (MD)No.15962 of 2019

WEB COPY

S.Kandasamy

... Petitioner

-Vs-

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

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

3.Mr.Rajmohan,
The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

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

5.The Branch Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Thuraiyur Branch, Trichirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned transfer order passed by the second respondent in Ref: Tha.Aa.Po.Ka./Trichy/Pa.Pi-4/1100/2019, dated 24.08.2019 and consequential relieving order passed by the fourth respondent in Ref: Tha.Aa.Po.Ka./Kilai/RC Unit/Thuvakkudi No.5704, dated 31.08.2019.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman,
Standing Counsel.



ORDER

Heard Mr.A.Rahul, learned counsel appearing on behalf of the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed to quash the order of the second respondent, dated 24.08.2019 as well as the order of the fourth respondent, dated 31.08.2019.

4.According to the petitioner, while he was working as Driver in the respondent Corporation, he met with an accident on 25.04.1999 and due to disability, he was given an alternative employment. Subsequently, he was transferred from Manapparai Branch of the first respondent Corporation to Thuvakudi, by the proceedings of the second respondent, dated 16.11.2015 and he joined duty on 21.11.2015. Again he was transferred from Thuvakudi to Jeyamkondam on 16.12.2015. Challenging the said transfer order, he filed W.P. (MD)No.23238 of 2015. This Court, by order dated 22.12.2015, granted an order of interim stay of the said transfer, dated 16.12.2015. According to the petitioner, when the Writ Petition came up for final disposal, the same was disposed of on the ground that the petitioner continued at Thuvakudi for about 5 years, based on the interim order and it is open to the respondents to pass suitable orders in the interest of administration. After disposal of the Writ Petition, the respondents, by the order dated 24.08.2019, transferred the petitioner from Thuvakudi to Thuraiyur and relieved the petitioner, by the proceedings dated 31.08.2019. Challenging the said orders, the writ petitioner has come out with the present Writ Petition.

5.The learned counsel appearing on behalf of the petitioner contended that the petitioner's family is living at Manapparai. His elder son is studying BCA., Computer Science, his daughter is studying M.A., second year and his younger son is studying 10th standard. The distance between Manapparai to Thuraiyur is 200 kms. The said contentions are without merits. Admittedly, when the petitioner was working in Thuvakudi, his family was in Manapparai, which is 60 kms., away from Thuvakudi. The distance from Manapparai to Thuraiyur, where the petitioner is transferred, is only 70kms., and not 200 kms., as alleged by the petitioner. The ground, on which the petitioner is challenging the said transfer order, is not valid.



6.In view of the same, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

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

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

3.MR.Rajmohan,
The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

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

5.The Branch Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Thuraiyur Branch, Trichirappalli.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-86597[F] dated 13/09/2019)
+1 CC to Mr.A.RAHUL, Advocate (SR-86846[F] dated 16/09/2019)

W.P. (MD)No.19517 of 2019
13.09.2019

myr

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