



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.21048 of 2019

and

W.M.P (MD)No.17653 of 2019

WEB COPY

K.Sivashanmugam

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Trichy Branch Office,
Kumbakonam Division.

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Aranthangi Branch Office,
Pudhukkottai Division.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned transfer order in view: TNSTC/Kumba/Puma/Papil/1206-1/19, dated 12.06.2019, (served on 23.07.2019) in so far as petitioner consent passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.S.Sivaprakash
For R1 & R2 : Mr.P.Balasubramanian

ORDER

This writ petition is filed challenging the order of transfer dated 12.06.2019, transferring the petitioner from Trichy to Aranthangi.

2. According to the petitioner, he is a senior Conductor and active member of the Aravind Kejrival General Workers Union. In order to take revenge against the active members of the Union, the Management issued various charge memos to the members with false allegation. The petitioner is aged about 50 years and he is in the verge of retirement. He is taking treatment for his illness. His family is in Thanjavur. The distance between the Thanjavur and Aranthangi is 90 kms. The first respondent has not given any reason for transferring the petitioner. The transfer order is not signed by the General Manager and it is signed only by the Assistant Manager. The General Manager is the authority to transfer the person from one place to another place.



3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. From the materials on record, it is seen that the petitioner was transferred from Trichy to Aranthangi along with four others for administrative reason. Transfer is not only a condition of service, but also incidence of service, which implies that the petitioner has to work anywhere in the operational jurisdiction of the respondent corporation. The Management has power to transfer the employees from one place to other place for better administration of work. The petitioner is seeking to set aside the order of transfer on the ground that it will be difficult for him to travel from Thanjavur to Aranthangi due to his ill-health. The said reason is not valid. The petitioner is not the only person transferred, four other persons also were transferred to Aranthangi on administrative ground. The petitioner is not alleging that the order of transfer is tainted with malafides and arbitrary exercise of power. The contention of the petitioner is that the Assistant Manager has signed the order of transfer and only the General Manager can transfer the petitioner, is contrary to the materials on record. The impugned order is signed by the General Manager and the copy of the order is communicated to the petitioner and others by the Assistant Manager. The transfer order is dated 12.06.2019 and the writ petition has been filed on 16.09.2019.

5. For the above reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

am

To

1.The General Manager,
Tamil Nadu State Transport Corporation,
Trichy Branch Office, Kumbakonam Division.

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Aranthangi Branch Office, Pudhukkottai Division.

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate SR-90766.

W.P. (MD)No.21048 of 2019

30.09.2019

CS (08.11.2019) 2P 4C