

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.Nos.48 and 49 of 2020

A.Murugesan .. Appellant in
W.A.No.48/2020

N.Venkidusamy .. Appellant in
W.A.No.49/2020

vs.

The General Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Division, Erode,
Erode District. .. Respondent in
both appeals

Appeals filed under Clause 15 of the Letters Patent against the order dated 01.10.2019 in W.P.Nos.19825 and 19823 of 2019 on the file of this Court.

W.P.Nos.19825 of 2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari praying to call for the entire records relating to the impugned passed by the respondent in his Pa. No 584 / P2 /Pa.Pil / TNSTC / Ko / E. Ma / 19 dated 27.06 2019 and quash the same.

W.P.Nos.19823/2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari praying to call for the entire records relating to the impugned passed by the respondent in his Pa. No 585 / P2 /Pa.Pil / TNSTC / Ko / E. Ma / 19 dated 27.06 2019 and quash the same.

For Appellants : Mr.L.G.Sahadevan
for M/s.C.Prakasam

For Respondent : Mr.P.Kannan Kumar

COMMON JUDGMENT
(Delivered by The Hon'ble Chief Justice)

We have heard learned counsel for the appellants at length, who submits that the issue of jurisdiction can be raised at any stage of the proceedings and therefore the contention is that the concerned General Manager, who has passed the order of transfer, did not have the authority to transfer the appellants to Erode Region.

2. We have also heard Mr.P.Kannan Kumar, learned counsel for the Tamil Nadu State Transport Corporation (Kovai) Limited, who informs the Court that the Administrative office of the Region concerned is under the General Manager, who has passed the impugned order. Thus, in our opinion, there is no question of lack of jurisdiction much less a patent lack so as to unauthorize the General Manager, who is an Officer of the same rank to pass the order of transfer. Accordingly, we see no reason to interfere with the impugned judgment.

3. Learned counsel for the appellants, however, submitted that a sympathetic view may be taken keeping in view the long distance of travel to be undertaken due to transfer that has resulted in inconvenience to both the appellants.

4. We dispose of the appeals observing that in the event the appellants move representations to the competent authority making a request, the same may be considered sympathetically.

The appeals are consigned to records. No costs. Consequently, C.M.P.Nos.664 and 667 of 2020 are closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

The General Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Division, Erode, Erode District.

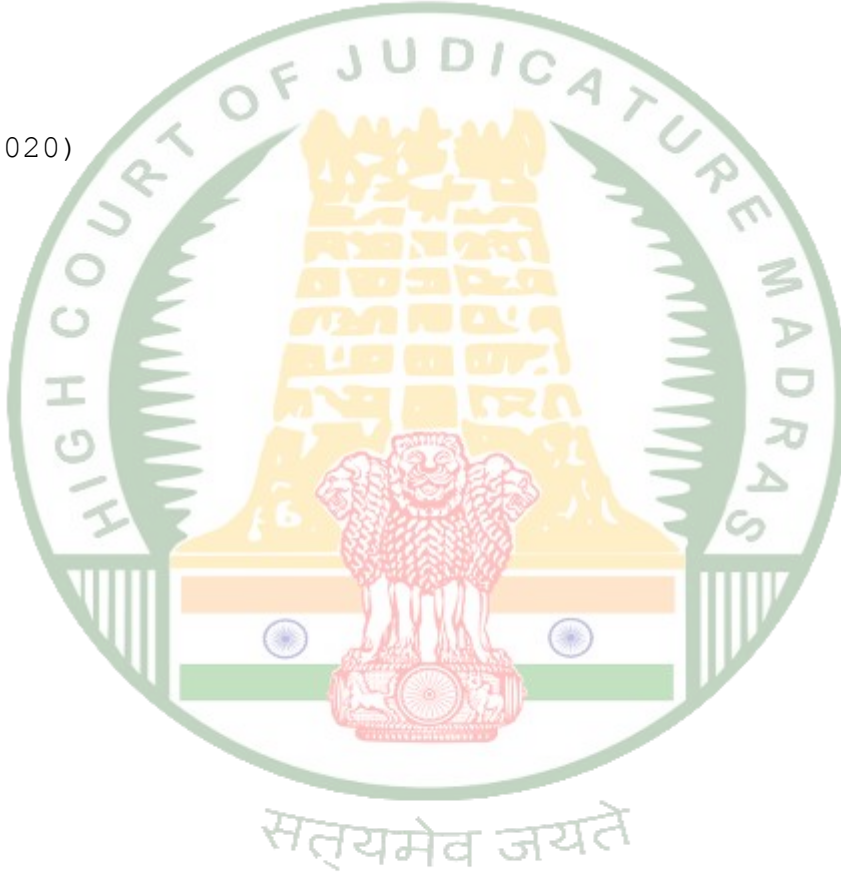
+1 CC to Mr.P.Kannan Kumar, Advocate sr 5002.

+1 CC to Mr.C. Prakasam, Advocate sr 4485.

+1 CC to Mr.C. Prakasam, Advocate sr 4485(29/01/2020)

W.A.Nos.48 and 49 of 2020

VSNI (CO)
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