



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.10.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P(MD)No. 8067 of 2020**

**and**

**W.M.P(MD)Nos.7484, 7487 and 11539 of 2020**

P. Vijayan

... Petitioner

**Vs.**

1. The Managing Director,  
Arasu Rubber Kazhagam Limited,  
( A Government of Tamil Nadu Undertaking)  
Vadasery, Nagercoil -1  
Kanyakumari District.

2. The Divisional Manager,  
Manalodai Division,  
Arasu Rubber Kazhagam Limited,  
Perunchani,  
Ponmanai Post,  
Kanyakumari District.

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorarified mandamus, calling for the records relating to the impugned order dated 30.06.2020 Ref.No.Na.Ka.No.L/2966/19 passed by the first respondent seeking to transfer the petitioner from Kalikesam Unit of Manalodai Division to Kothaiyaar Division and thereby taking away the entire life time seniority of the petitioner and quash the impugned order and consequently direct the respondent authorities not to disturb petitioner's service in Kalikesam Unit of Manalodai Division and petitioner's service seniority and pass orders.

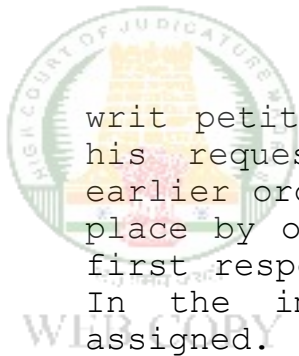
For Petitioner : Mr. S. Suresh Kumar

For Respondents : Mr. S. Shanmugavel

Standing Counsel for State

**ORDER**

According to the petitioner, he is employed as rubber tapping worker in the respondent organization and he joined service in the year 1997. On 12.02.2020, he has been transferred from Kalikesam Unit of Manalodai Division to Kothaiyaar Division. Thereafter, the



writ petitioner has given a request to consider his transfer. On his request, the second respondent considered and revoked the earlier order dated 12.02.2020 and placed the petitioner in the same place by order dated 20.06.2020. Thereafter, within 10 days, the first respondent has issued the impugned transfer dated 30.06.2020. In the impugned transfer order, no specific reason has been assigned.

2. According to the learned Government Pleader, there is an allegation against the petitioner and therefore in the interests of administration, the petitioner was transferred.

3. According to the learned counsel for the petitioner, there is no disciplinary action taken by the respondent on the aforesaid allegation nor an opportunity has been granted to the petitioner. Without following the said procedure, the impugned transfer order was issued and thus it is punitive in nature.

4. According to the learned counsel for the petitioner, several decisions have been held in favour of the petitioner and accordingly the impugned transfer order, which is punitive in nature is unsustainable in law.

5. A counter has been filed on behalf of the respondents. The learned Standing Counsel though submit that charges have been framed and therefore the impugned transfer order is sustainable and prays for the dismissal of the Writ Petition, however it is seen from the counter that charges have been framed only after the filing of the writ petition.

6. On considering the impugned transfer order, it is seen that there is no whisper about the framing of charges in the said order that has been passed by the respondent on administrative ground.

7. In the counter, various allegations have been made against the petitioner and as the petitioner has committed misconduct, the impugned order of transfer has been passed.

8. In the impugned order, there is no mention about the initiation of disciplinary proceedings against the petitioner. Therefore the case of the petitioner squarely covers by the case decided by this court today in a batch of Writ Petitions in W.P. (MD) No. 10759 of 2021 Batch, wherein this court has elaborately considered various decisions rendered by the Hon'ble Supreme Court as well as Division Bench of this Court on the issue of transfer.

9. On considering the aforesaid judgments of the Hon'ble Supreme court and the Division Bench of this Court, this court has also elaborately discussed the issue in the batch of Writ Petitions in W.P. Nos. 10759, 11259, 11269, 11279 and 11290 of 2021, Common



10. In the light of the facts and the decisions of the Hon'ble Supreme Court as well as the Division Bench of this Court, elaborately discussed in the batch of writ petitions, disposed of today by a common order in W.P. (MD) No. 10759 of 2021 Batch, the impugned transfer order passed by the respondent based on the allegation of misconduct as against the petitioner, without providing any opportunity to the petitioner, is punitive in nature and against the principles of natural justice. Hence, the impugned transfer order is quashed and liberty is granted to the respondent to issue fresh order if necessary in accordance with law.

11. With the above observations, the impugned order is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Managing Director,  
Arasu Rubber Kazhagam Limited,  
( A Government of Tamil Nadu Undertaking)  
Vadasery, Nagercoil -1, Kanyakumari District.
2. The Divisional Manager,  
Manalodai Division,  
Arasu Rubber Kazhagam Limited,  
Perunchani,  
Ponmanai Post, Kanyakumari District.

+1 CC to M/s.SPL.GP ( SR-33173[F] dated 29/10/2021 )

+1 CC to M/s.S.THANGA SIVAN, Advocate ( SR-33492[F] dated 01/11/2021 )

**W.P(MD)No. 8067 of 2020 and  
W.M.P(MD)Nos.7484, 7487 and 11539 of 2020  
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RD(23.12.2021) 3P 5C

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