



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.9999 of 2021

and

W.M.P(MD) No.11877 of 2021

WEB COPY

A.Deric Vijay

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, K.T.C. Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Division, Ranithottam,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's representation dated 14.05.2021 within the stipulated period as fixed by this Court.

For Petitioner	: Mr.S.Parthasarathy
For Respondents	: Mr.R.Rajamohan, Standing Counsel

O R D E R

The Petition is filed for the issuance of a Writ of Mandamus, directing the first respondent to pass orders on the petitioner's representation dated 14.05.2021 within the stipulated time.

2. According to the petitioner, he made a representation to the respondents seeking to continue his service as Driver on the particular routes under the respondent Corporation. According to the petitioner, due to malice and political change in the Government, the respondents are attempting to transfer the petitioner to some other route, which is far from the present route. Therefore he made a representation to the authority requesting them to not transfer him to any other route apart from 86H i.e., from Kulasekaram to Marthandam.

3. The learned counsel for the respondents would submit that transfer is incidental to service. Therefore, petitioner being appointed as Driver in the Transport Corporation, cannot claim as a matter of right to allot him only a particular route. The learned counsel for the respondents would further submit that the said request made by the petitioner cannot be entertained since no transfer order has been passed by the respondent as on today. The



petitioner has approached this court only on apprehension that he might be transferred. Therefore, this writ petition is not maintainable.

4. On considering the rival submissions of the counsel for the parties concerned and on perusal of the materials placed on record, since no orders have been passed by the respondent corporation and the writ petitioner has approached this court only on the apprehension that they are attempting to transfer the petitioner to some other route, due to change of Government, this court, at this stage, cannot go into the allegations made by the petitioner and there is no merit in the Writ Petition. Consequently, the Writ Petition stands dismissed. This order will not stand in the way of the respondents in considering the petitioner's request. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-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,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, K.T.C. Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Division, Ranithottam,
Nagercoil, Kanyakumari District.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29040[F] dated 14/09/2021)

W.P(MD) No.9999 of 2021

and

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14.09.2021

DJ (CO)

GC/JC(29.10.2021) 2P 4C