



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.12706 of 2021 and

WMP(MD).No.9901 of 2021

WEB COPY

N.Narayanasamy

... Petitioner

Vs.

1.The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul Region,  
Dindigul.

2.The Assistant Manager(Works),  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
RC-Unit, Dindigul Region,  
Dindigul.

3.The Branch Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Lower Camp Branch,  
Theni.

... Respondents

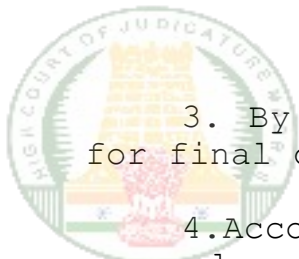
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order passed by the 1<sup>st</sup> respondent in his proceedings in Ref.No.Admin/P2/18-1 dated 17.07.2021 and consequential order passed by the second respondent in Ref No.AM(W)RC/546 dated 17.07.2021 and quash the same as illegal and consequently, direct the respondents to retain the petitioner in the 2<sup>nd</sup> respondent Branch.

|                 |   |                                            |
|-----------------|---|--------------------------------------------|
| For Petitioner  | : | Mr.K. Mahendran                            |
| For Respondents | : | Mr.J. Senthilkumaraiah<br>Standing Counsel |

### **O R D E R**

This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order passed by the 1<sup>st</sup> respondent in his proceedings in Ref.No.Admin/P2/18-1 dated 17.07.2021 and consequential order passed by the second respondent in Ref No.AM(W)RC/546 dated 17.07.2021 and quash the same as illegal and consequently, direct the respondents to retain the petitioner in the 2<sup>nd</sup> respondent Branch.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.



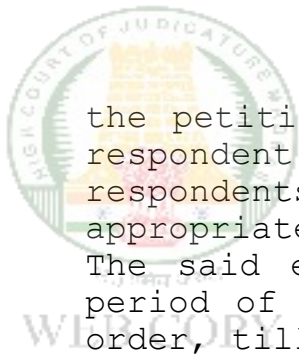
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, the petitioner was served for several years by rendering unblemished services in the respondent Transport Corporation and his remaining service is only two years. While that being so, the first respondent has transferred the petitioner by his proceedings dated 15.07.2021 from RC Unit Dindigul to Thevaram Branch which caused much hardship to the petitioner. Further, it is stated that one G.Mani, Senior Tradesman also transferred to Lower Camp branch, since he belongs to the ruling party and when he approached the respondents, his transfer order was cancelled without even releasing the order. Thereafter, the first respondent by his proceedings dated 17.07.2021 made a partial modification and transferred the petitioner from RC Unit Dindigul and posted to Lower camp branch, Theni instead of Thiru Thevaram. The second respondent by his proceedings dated 17.07.2021 directed the petitioner to join in the third respondent branch and to report for duty.

5. According to the petitioner, the petitioner's father underwent surgery and since both legs were operated, he was unable to move and he needs assistance from others and petitioner's wife also a Psychiatric person and taking treatment for a long time. Therefore, the grievance of the petitioner is that due to transfer to the lower camp branch, Theni from the present place, causes much hardship to the petitioner. Even though, the petitioner has raised *mala fide* as against the respondent Corporation for transferring him from the present place to the lower camp branch, Theni, the petitioner has insisted upon it, that he has not relieved from the present station.

6. A counter affidavit has been filed by the first respondent stating that the petitioner has been working as a Senior Tradesman in the respondent corporation. Due to financial crisis, amongst all the transport Corporations in Tamil Nadu, it is decided to reduce the route and timing of the buses, where more number of frequent routes are carried out. Because of such reduction of routes, the employees of respondent Corporation are bound to transfer to other branches and to other regions based on the availability of surplus employees.

7. Considering the fact that because of reduction of routes, the employees of the respondent Corporation are bound to transfer to other branches and also the aforesaid fact that the petitioner has been transferred from the present place to the lower camp branch, Theni, there was no malafide on the part of the respondent Corporation for transferring the petitioner from one division to another division. Considering the fact that the petitioner's remaining service is very lesser period i.e., two years and also the



the petitioner is directed to furnish necessary documents to the respondent Corporation and based on the same, this Court directs the respondents to consider the request of the petitioner and take an appropriate decision in the matter of transfer of the petitioner. The said exercise shall be completed by the respondents within a period of eight weeks from the date of receipt of a copy of this order, till such time, the impugned transfer order shall be kept in abeyance.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
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+1 CC to M/s.K.MAHENDRAN, Advocate ( SR-26609[F] dated 18/08/2021 )

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WMP(MD) .No.9901 of 2021  
17.08.2021

DJ(CO)

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