



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6819 of 2018

and

W.M.P. (MD) Nos.6530, 6531 and 17824 of 2018

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M.Petchammal

...Petitioner

Vs.

- 1.Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Regional Office,
Karaikudi.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
FC Unit, Karaikudi Regional Office,
Karaikudi.
- 4.Lion.S.P.Muniasamy,
Junior Assistant,
Invoice Section, Regional Office,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi and General Secretary,
Anna Nirvaaga, Paniyaalargal Sangam,
Karaikudi Region
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Regional Office,
Karaikudi.
- 5.Mr.P.Ravindran
The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order of transfer passed by the first respondent in Ref: TNSTC/Pa.Pi/Pa.1/035 dated 27.02.2018, quash the same.



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For Petitioner : Mr.A.Rahul
For R-1 to R-3 : Mr.D.Sivaraman
Standing Counsel
For R-4 and R-5 : No appearance

O R D E R

Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents 1 to 3.

2.The petitioner is aggrieved against the impugned transfer order dated 27.02.2018. This Court had also granted an order of interim stay on 28.03.2018, pursuant to which, the petitioner is continuing to work at F.C.Unit, Karaikudi.

3.The learned counsel for the petitioner as well as the learned Standing Counsel affirms that the petitioner is continuing to work in the same station. The impugned order of transfer was on Administrative grounds. However, after a lapse of more than 2 ½ years, it would not be appropriate to interfere and revive the impugned order of transfer, when the respondents have not chosen to file their counter. The administrative exigencies that prevailed in the year 2018 may not prevail as on date.

4.It is needless to point out that in future, if the respondents require the petitioner to be transferred on administrative exigencies, it is open to the respondents to invoke their administrative powers to effect such transfers on administrative grounds.

5.In the light of the above observations, the writ petition stands allowed and the impugned order in Ref: TNSTC/Pa.Pi/Pa.1/035, dated 27.02.2018, passed by the first respondent is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-4143[F] dated 10/02/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-4365[F] dated 10/02/2021)

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