



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.9477 of 2018

and W.M.P. (MD) No.8729 of 2018

(Through Video Conference)

V.Manikandan

... Petitioner

Vs

1. The General Manager,
Tamil Nadu State
Transport Corporation Tili Ltd.,
Tirunelveli Division, Tirunelveli.

2.The Branch Manager,
Tamil Nadu State
Transport Corporation Tili Ltd.,
Pappanasam Branch,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the impugned order of transfer passed by the 1st respondent in A.Aa.No.12551/Niya11/ TA Poka/(Tili)/Tili/18, dated 20.03.2018 and its consequential order passed by the 2nd respondent in No.003/Papa1Ta.A Poka (Tili) 2018 dated 26.03.2018 served upon the petitioner on 23.04.2018 and to quash the same as illegal.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Sathiyasingh

O R D E R

The petitioner herein, who was employed as a Driver in Pappanasam Branch of the respondent Transport Corporation was transferred to Thamirabaranai Branch on administrative exigencies. When the aforesaid transfer order, dated 20.03.2018 came to be challenged, this Court has granted interim orders, pursuant to which, the petitioner was retained at Pappanasam Branch itself. Almost three years have lapsed since the interim order was granted and the petitioner continues to work in the same place. No counter affidavit or any application to vacate the interim order has been filed till date.

2. Taking into consideration the long period of three years from the date of passing of the impugned order, this Court will not

<https://hcservices.ecourts.gov.in/hcservices/>



be appropriate to interfere with the transfer order at this stage. This Court has also taken into consideration the fact that the administrative exigencies which could have been in existence during March 2018 may not subsist as on date. However, if liberty is granted to the respondent Corporation to exercise their discretion in effecting transfer for administrative reasons in future, the ends of justice can be secured.

3. In the light of the above objections raised by the learned standing counsel, the impugned order passed by the 1st respondent in A.Aa.No.12551/Niyall/ TA Poka/(Tili)/Tili/18, dated 20.03.2018 stands quashed. The respondents are at liberty to exercise their administrative powers for effecting any future transfers to the petitioner. With the above liberty, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.8729 of 2018 is closed.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sts

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 General Manager,
Tamil Nadu State
Transport Corporation Tili Ltd.,
Tirunelveli Division, Tirunelveli.
- 2.The Branch Manager,
Tamil Nadu State
Transport Corporation Tili Ltd.,
Pappanasam Branch,
Tirunelveli District.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-3898[F] dated 09/02/2021)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-4335[F] dated 10/02/2021

Order made in

W.P. (MD)No.9477 of 2018

Dated:

08.02.2021

RK (28.04.2021) 2P 5C