



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P(MD)No.20438 of 2021

& WMP(MD) Nos.17081 & 17082 of 2021

J.Alagaraja

... Petitioner

Vs.

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

2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Bodinayakanoor Branch,
Dindigul Region,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned transfer order issued by the 1st respondent in Ref.No.Admin/P1/112-21 dated 16.09.2021, quash the same and consequently, direct the respondents to consider the petitioner's representation dated 29.10.2021.

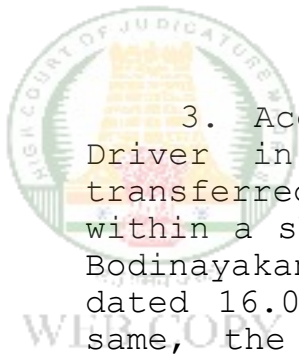
For Petitioner : Mr.M.Prabu

For Respondents : Mr.J.Senthil Kumaraiah, Standing
counsel

ORDER

Heard Mr.M.Prabu, learned counsel for the petitioner and Mr.J.Senthil Kumaraiah, learned Standing counsel appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned transfer order issued by the 1st respondent in Ref.No.Admin/P1/112-21 dated 16.09.2021, quash the same and consequently, direct the respondents to consider the petitioner's representation dated 29.10.2021.



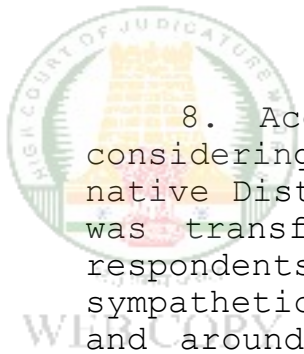
3. According to the petitioner, he has been appointed as a Driver in Tamil Nadu State Transport Corporation and he was transferred from Chennai to Bodinayakanoor Branch on 26.02.2021 and within a short period, i.e. 7 months, he was again transferred from Bodinayakanoor Branch to Dindigul III Branch vide transfer order dated 16.09.2021 passed by the 1st respondent. Aggrieved by the same, the petitioner made representations to the respondents to retain him in Bodinayakanoor Branch. Since no action was forthcoming,, the petitioner has come forward with the present Writ Petition, challenging the transfer order.

4.Since the learned counsel for the petitioner claimed that there are 13 vacancies available in the post of Driver and there is shortage of Drivers in Bodinayakanoor Branch, this Court directed the learned Standing counsel for the respondents to get instructions in this regard.

5.The learned Standing counsel for the respondents submits that the petitioner has been transferred as there is shortage of Drivers at Dindigul III Branch and there is no vacancy as claimed by the petitioner at Bodinayakanoor Branch. Regarding the earlier transfer from Chennai to Bodinayakanoor, the learned counsel for the respondents submits that it was based on the request made by the petitioner to accommodate him in his native District and now he cannot take any advantage as against the present transfer order that he was transferred within a short span of period. He further submits that it is not the petitioner alone was transferred, 23 others were also transferred along with the petitioner from Bodinayakanoor branch to various other branches depending upon the necessity and requirement arose in those respective branches.

6.This Court paid its anxious consideration to the rival submissions made by the learned counsel on either side and perused the materials placed on record.

7.The transfer is not only an incident of service, but an essential condition of service. The employee does not have any vested right to be posted at a particular place. It is upon the employer to decide when, where and at what point of time, the services of his employee is required. In the present case, though the petitioner claimed that within a short span of period, he was transferred, it is noted that his earlier transfer from Chennai to Bodinayakanoor was based on the request made by him, seeking to accommodate him in his native District. Now the present transfer order is passed to accommodate him in view of the shortage of Drivers at Dindigul III Branch and further, it was not only the petitioner, but 23 others from Bodinayakanoor were also transferred to various other branches depending upon the exigencies. In such view of the matter, this Court is not inclined to interfere with the transfer order passed by the 1st respondent.



8. Accordingly, the Writ Petition is dismissed. However, considering the fact that the petitioner was transferred to his native District based on his request and within six months, again he was transferred to a far away place, this Court directs the respondents to consider the request of the petitioner sympathetically and accommodate him as and when vacancy arises in and around nearby places of Batlagundu and Periyakulam depending upon the necessity. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
(Madurai Limited),
Dindigul Region,
Dindigul.

2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Bodinayakanoor Branch,
Dindigul Region,
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W.P (MD) No. 20438 of 2021
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