



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.21196 of 2019

and

WMP (MD) Nos.17832,17833 and 22219 of 2019

WEB COPY

Jeyachitra

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Express Transport Corporation,
Administration, Head Office,
Pallavan Salai, Chennai -02.

2. The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Tirunelveli Depot -I,
Tirunelveli.

... Respondents

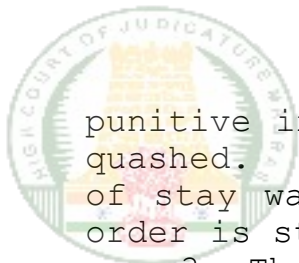
PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in order No. 051425/MaVa-1/SETC/2017/4896 dated 17.09.2019 and quash the same and consequently direct the respondents to place the petitioner in TNSTC Tirunelveli Depot -I.

For Petitioner	: Mr. Niranjana S. Kumar
For Respondents	: Mr. K. Sathya Singh Standing Counsel

ORDER

The petitioner is working in the grade of Senior Assistant in cash and ticket section in the second respondent branch. The petitioner had problem in her uterus and due to such health problems, she was not able to perform her duty as directed by the respondent corporation. Therefore, the respondent corporation has passed the suspension order for the period from 21.06.2019 to 27.06.2019 and also framed charges against the petitioner on 09.08.2018. Thereafter, the impugned transfer order was passed by the first respondent by transferring the petitioner from Tiruvelveli Branch I to Tirunelveli Branch II. The writ petitioner challenging the aforesaid transfer order passed by the respondent, has filed the present Writ Petition before this Court.

2. According to the petitioner, the said impugned order though passed by the first respondent on administrative grounds, it is



punitive in nature and therefore the impugned order is liable to be quashed. It is stated that at the time of admission, interim order of stay was granted by this Court on 3.10.2019. The said interim order is still in force.

3. The first respondent has filed a counter affidavit. Based on the aforesaid affidavit, the learned counsel for the corporation submitted that the allegation as stated in the affidavit filed in support of the Writ Petition is false and devoid of merits. Though charges have been framed against the petitioner and the same are pending, now at present by virtue of the interim order, the enquiry could not be initiated. It is also submitted that despite the impugned order having been passed on 17.09.2019, for the past two years the petitioner continues in the same station, in view of the stay order passed by this Court.

4. It is seen from the affidavit filed in support of the Writ Petition as well as the counter affidavit and the submissions made by the learned counsel for the parties due to the aforesaid charges, the respondent has passed the impugned transfer order and initiated disciplinary proceedings as against the petitioner. The said disciplinary proceedings are pending for the past two years as inquiry could not be completed by the respondent corporation. Therefore, taking note of the fact that charges levelled against the petitioner are still pending, by order dated 13.09.2021, W.P(MD) No.14539/2019, this Court directs the respondent corporation to proceed with the enquiry and conclude the disciplinary proceedings as against the petitioner pursuant to the charge memo dated 09.08.2019 and the said enquiry shall be completed within a period of twelve weeks from the date of receipt of a copy of this order, till such time no prejudice would be caused to the respondent, if the petitioner continues in the same station.

5. In fine the impugned order passed by the respondent shall be kept in abeyance till the enquiry proceedings are completed and the respondent shall take appropriate decision subject to the outcome of the order passed in the disciplinary proceedings.

6. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The General Manager,
Tamil Nadu State Express Transport Corporation,
Administration, Head Office,
Pallavan Salai, Chennai -02.

2. The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Tirunelveli Depot -I,
Tirunelveli.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-28935[F] dated
14/09/2021)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-28937[F] dated
14/09/2021)

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MGJ/PM(29.10.2021) 3P 5C