



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.15728 of 2018

and W.M.P.(MD).Nos.14087 & 14088 of 2018

D.Palanivel

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Coimbatore - 43.

2.The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Karur Branch,
Karur District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the transfer passed by the 1st respondent in his proceedings 1957/E3P/Pathu 1/ Tha.a.Po.Ka (Ko)/18, dated 17.03.2018 and the consequential order passed by the 2nd respondent in his proceedings 1957/E3P/Pathu 1/ Tha.a.Po.Ka (Ko)/18, dated 17.03.2018 and quash the same as illegal and consequently direct the respondents to retain the petitioner in the 2nd respondent branch.

For Petitioner : Mr.K.Mahendran

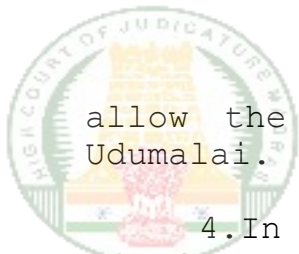
For Respondents : Mr.K.Sathiyasingh

O R D E R

Heard Mr.K.Mahendran, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Standing counsel appearing for the respondents.

2.The transfer order, dated 17.03.2018, is put under challenge in the present writ petition, wherein the petitioner was directed to be transferred from Karur Branch to Udumalai Branch. In view of the interim orders granted in the writ petition, dated 19.07.2018, an order of status quo came to be made and thereby, the petitioner is still continuing to work in Karur Branch, as per the instructions of the learned Standing Counsel for the respondent.

3.The order was passed in the year 2018 and till date the respondent neither file the counter nor an application to vacate the interim order. This court has also taken into note the fact that the impugned transfer order was made on administrative exigencies and after the expiry of almost three years, such an administrative exigencies may not subsist. As such, it would not be appropriate to



allow the respondents to transfer the petitioner from Karur to Udumalai.

4. In the light of the above observations, the impugned order of the transfer passed by the 1st respondent in his proceedings 1957/E3P/Pathu 1/ Tha.a.Po.Ka (Ko)/18, dated 17.03.2018 and the consequential order passed by the 2nd respondent in his proceedings 1957/E3P/Pathu 1/ Tha.a.Po.Ka (Ko)/18, dated 17.03.2018, are quashed. However, in case the respondents are of the view that owing to any other administrative exigencies the petitioner is required to be transferred, they are at liberty to do so, in accordance with law.

5. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Coimbatore - 43.

2. The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Karur Branch,
Karur District.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-4333[F] dated 10/02/2021)

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-4546[F] dated 11/02/2021)

W.P. (MD).No.15728 of 2018
08.02.2021

SSS(CO)

KB(24.02.2021) 2P 5C

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