



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.19469 of 2018

and

WMP. (MD) .No. 17279 of 2018

WEB COPY

G. Balasubramanian ... Petitioner

Vs.

1. The Road Transport Officer,
Ambasamudram,
Tirunelveli District.

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

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

... Respondents

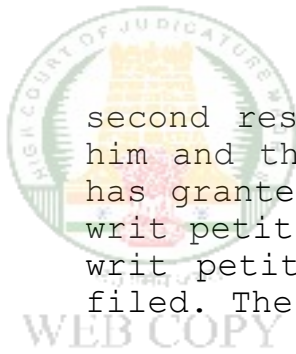
PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of **Writ of Certiorari**, calling for the impugned orders of transfer passed by the second respondent in A.Aa.No.12545/Niya2/Tha.A.Po.Ka/Tili/2018, dated 22.08.2018 and its consequential order passed by the third respondent in No.668/Papal/Tha.A.Po.Ka (Thili) 2018 dated 25.08.2018 served upon the petitioner on 03.09.2018 and to quash the same as illegal

For Petitioner : Mr. K.R. Laxman
For Respondents : Mr. A. K. Manikkam,
Standing Counsel for State
For R1
Mr. K. Sathiya Singh,
Standing Counsel
for R2 and R3

O R D E R

The Writ Petition is filed for the issuance of Writ of Certiorari, calling for the impugned orders of transfer passed by the second respondent in A.Aa.No.12545/Niya2/Tha.A.Po.Ka/Tili/2018, dated 22.08.2018 and the consequential order passed by the third respondent in No.668/Papal/Tha.A.Po.Ka (Thili) 2018 dated 25.08.2018 served upon the petitioner on 03.09.2018.

2. According to the petitioner, he has filed the present writ petition challenging the impugned transfer order passed by the



second respondent by alleging that the charges were framed against him and the same is pending. At the time of admission, this Court has granted an interim order. Based on the said interim order, the writ petitioner continued in the present place Pabanasam. After the writ petition is taken up of hearing, so far no counter has been filed. The matter has been adjourned on three occasions.

3. The learned counsel for the petitioner would submit that the petitioner continued in the same station for more than three years. Therefore without going into the allegations framed against the petitioner, he can be permitted to continue in the same station for the remaining academic year and also with regard to the charges framed against the petitioner, appropriate directions may be issued to conclude the said charges framed against the petitioner.

4. The learned Standing counsel for the respondents would submit that by virtue of interim order, the petitioner is continued in the said station at Pabanasam. The aforesaid impugned order passed by the respondents was only on administrative grounds. However, the petitioner continued in the same station for the past 3 ½ years and he can further continue in the said station till the end of the academic year. However, it is open to the respondents to take appropriate decision for transferring the petitioner to some other place as per the rules, at the end of the academic year.

5. In view of the above submissions made by the counsel for the parties concerned, this Court is inclined to pass the following order:

(i) the writ petitioner shall continue in the present station at Pabanasam till the end of the academic year 2021-2022

(ii) Liberty is granted to the petitioner to take appropriate decision thereafter, for the academic year 2022-2023.

(iii) The charge memo dated 27.07.2018 is still pending with the respondent corporation. Therefore, the respondent corporation shall proceed with the charges and conclude the process on charge memo within a period of four months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr



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.

WEB COPY

To

1. The Road Transport Officer,
Ambasamudram,
Tirunelveli District.
2. The General Manager,
Tamil Nadu State Transport Corporation Tili Ltd.,
Tirunelveli Division, Tirunelveli.
3. The Branch Manager,
Tamil Nadu State Transport Corporation Tili Ltd.,
Pappanasam Branch,
Tirunelveli District.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-29249[F] dated
16/09/2021)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-29191[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29466[F] dated 17/09/2021)

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MGJ(08.10.2021) 3P 7C