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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 703 of 2021
and WMP.No.765 of 2021

M.Loganathan

...Petitioner

Vs.

1.Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. By its Managing Director,
37, Mettupalyam Road,
Coimbatore-641043

2.The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalyam Road,
Coimbatore-641043

3.The Branch Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Mettupalayam Branch I
Mettupalyam,
Coimbatore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Transfer Order No. 3242/E3A/Pa.Thu.1/TNSTC (kO)/2020 dated 01.12.2020 issued by the 2nd respondent, transferring the petitioner from Mettupalayam Branch-I to Pollachi Branch-II and the relieving order dated 16.12.2020 in No.5697 issued by the 3rd respondent, which were served to him by post only on 23.12.2020.

For Petitioner
For Respondents

:M/s.H.Nandhini
:Mr.A.Sundaravadanan,
Standing Counsel



ORDER

Challenging the transfer order dated 01.12.2020 passed by the 2nd respondent, the present writ petition is filed.

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The learned counsel for the petitioner has submitted that the petitioner joined the services of the 1st respondent Corporation as a Driver in the year 2014, now the petitioner is working as senior driver. Suddenly, the 3rd respondent has sent the impugned relieving order dated 16.12.2020 issued by the 3rd respondent, along with the impugned transfer order dated 01.12.2020 stated to have been issued by the 2nd respondent, by RPAD, transferring the petitioner from Mettupalayam Depot -I to Pollachi Depot.

According to the learned counsel for the petitioner, the 2nd respondent is the appointing authority, hence the 2nd respondent or any other superior authority can issue the transfer order. However, the impugned transfer order is issued by some subordinate officer on behalf of the 2nd respondent, therefore the impugned order is illegal and liable to be quashed.

Counter affidavit is filed on behalf of the 2nd respondent, wherein it is stated that this respondent is an authority to transfer the employees from one place to another based on need of operating buses and also approved the transfer of petitioner for smoothing bus operation for the public. It is further stated that the impugned transfer order was passed by the 2nd respondent which is purely on the administrative exigency and for smoothing bus operation for the public and the same was communicated to the petitioner, hence the contention of the petitioner that the order was passed by inferior officer cannot be accepted.

The main contention of the petitioner is that the impugned order was passed by the officer who is a subordinate to the 2nd respondent/Corporation, therefore the said order is not valid and illegal. On perusal of the impugned order, it is clear that the 2nd respondent had passed the said order and the signatory in the said order had only communicated a copy of the order to the petitioner through office. Therefore, the contention of the learned counsel for the petitioner that the impugned transfer order was passed by a subordinate officer cannot be accepted and the same is liable to be rejected.



In view of the above, this Court finds no valid grounds to interfere with the impugned order passed by the 2nd respondent. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. If any grievance, the petitioner has to seek remedy before the appropriate authority.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalyam Road,
Coimbatore-641043
2. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
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3. The Branch Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Mettupalayam Branch I
Mettupalayam,
Coimbatore District.

+1 CC to Mr.A.Sundaravadanan, Advocate sr 16405

+1 CC to Mr.V.Ajoy Khose, Advocate sr 16055.

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MT (CO)
SP(11/04/2022)