



W.P.No.21096 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21096 of 2016
and W.M.P. Nos.18039 &18040 of 2016

K.Thangavel

...Petitioner

Vs.

1.Branch Manager
Udumalpet Branch,
Tiruppur Region,
Palani Road,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
Udumalpet – 642 126.

2.The General Manager,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
Tiruppur Region,
Kangeyam Road,
Tiruppur – 640 601.

3.Managing Director,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to
issue a writ of Certiorarified Mandamus, call for the records relating to the order



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passed by 2nd respondent on the petitioner vide Ref. 3012/E3B/52B/

PD1/TNSTC/2016 dated 10.6.2016 to quash the same.

For Petitioner : Mr.M.A.Sivakumar for
Mr.A.Rajendiran

For Respondents : Mr.A.Sundaravadhanam

ORDER

The order of an administrative transfer issued in proceedings dated 10.06.2016 is sought to be quashed in the present writ petition.

2.The writ petitioner is working as a Conductor in Udumalpet Branch of the Tamil Nadu State Transport Corporation (Coimbatore) Ltd. The petitioner was transferred from Udumalpet Branch to Ooty Branch on administrative grounds. The learned counsel for the petitioner states that the General Manager who passed the impugned order of transfer has no jurisdiction, since he is having jurisdiction over the Udumalpet Branch but not having jurisdiction in respect of the Ooty Branch and therefore, the order of transfer is without jurisdiction. The learned counsel for the petitioner states that the distance between Udumalpet and Ooty is 170 Km and it may not be possible for the petitioner to travel and join within one



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day. Thus, the authorities have not provided sufficient time to join. Therefore, the petitioner has chosen to file the writ petition. Pursuant to the interim orders granted by this Court in present writ petition, the petitioner is continuing in the same Udumalpet Branch as a Conductor for the past about six year during the pendency of the writ petition.

3.Regarding the jurisdiction point raised by the petitioner, the learned counsel for the respondents relied on the counter affidavit and stated that the General Manager who issued the transfer order may not have territorial jurisdiction in respect of Ooty Branch. However, the Managing Director subsequently approved the order of transfer on 07.06.2016. Once the transfer order has been approved by the Managing Director, who is having jurisdiction over both the branches i.e., Udumalpet Branch and Ooty Branch, then the order of transfer became valid.

4.At this length of time, such point became irrelevant, since the petitioner is continuing at Udumalpet Branch for the past about six years pursuant to the interim stay granted by this Court. No employee can claim place or post as a



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matter of choice. Administrative transfers in public administration are inherent.

Transfer is a condition of service, more so, incidental. Therefore, an employee on administrative grounds if transferred, is bound to serve in the interest of public administration. The petitioner is serving in public transport and therefore, the public interest is of paramount importance. An order of transfer can be challenged on limited grounds. In the present case, no doubt, the petitioner has challenged the impugned order of transfer on the ground of jurisdiction. However, the respondents have filed a counter stating that the Managing Director has approved the impugned transfer order and therefore, it became a valid transfer order. However, at this length of time, the order of transfer cannot be quashed, since the petitioner was allowed to continue in the same station for more than six years. Thus, the respondents are at liberty to take any decision in the interest of public administration. The authorities competent while taking a decision to transfer an employee has to consider the administrative interest and therefore, no transfer needs to be issued based on personal motive or with a malafide intention. If administrative transfers are issued on genuine reasons, such transfers need not be interfered with the High Court in a writ proceedings. In the present case, already six years lapsed from the date of filing of the writ petition and pursuant to the



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interim order, the petitioner was allowed to continue in the same station. This being the factum, the respondents are at liberty to take a decision in respect of the transfer of the petitioner on administrative reasons or otherwise.

5. With this observation, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

14.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Branch Manager
Udumalpet Branch,
Tiruppur Region, Palani Road,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
Udumalpet – 642 126.

2. The General Manager,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
Tiruppur Region,
Kangeyam Road,
Tiruppur – 640 601.



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S.M.SUBRAMANIAM, J.

SSR

3.The Managing Director,
Tamil Nadu State Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
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