



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.131 of 2022

and

W.M.P.(MD) Nos.95 & 3290 of 2022

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B.Srinivasa Rao

... Petitioner

-vs-

1.The Management of State Express

Transport Corporation (Tamil Nadu) Limited,
Rep., by its Managing Director,
Pallavan Salai , Chennai - 600002.

2.The Senior Grade Deputy Manager

(Human Resources Development),
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai, Chennai - 600002.

3.Mrs.Shyamala,

The Senior Grade Deputy Manager,
(Human Resources Development),
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai, Chennai-600002.

4.Mr.Panchamurthy,

Deputy Manager (Commercial),
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai, Chennai - 600002.

5.The Branch Manager,

Tirunelveli I Branch,
State Express Transport Corporation
(Tamil Nadu) Limited,
Tirunelveli.

6.Mr.Kannan,

The Branch Manager, Tirunelveli I Branch,
State Express Transport Corporation
(Tamil Nadu) Limited,
Tirunelveli.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining the order of the 2nd respondent passed in Order No.061026/Ma.Va4/AaViPoKa/2017/5355 dated 08.12.2021 and quash the same.



For Petitioner : Mr.A.Rahul
For RR1, 2 & 5 : Mr.K.Sathiyasingh,

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O R D E R

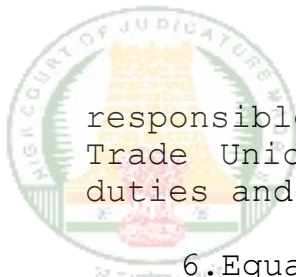
The order of transfer issued on administrative grounds in proceedings dated 08.12.2021 is under challenge in the present writ petition.

2.The petitioner is working as Driver cum Conductor in Tamil Nadu State Express Transport Corporation. He is transferred from Tirunelveli to Madurai on administrative grounds. Along with the petitioner, other 3 Drivers cum Conductors were also transferred to various places.

3.The learned counsel for the petitioner mainly contended that the writ petitioner has questioned the activities of the Officer Bearers of the Trade Union. They have influenced the authorities, which resulted in issuance of the transfer order impugned. The petitioner states that the impugned transfer order has been issued on *mala fide* grounds, as the petitioner pointed out regarding the misconduct of the Office Bearers of the Trade Union, as those Office Bearers were not allotted with proper works and are getting salary without performing their duties and responsibilities. When all the employees of the Transport Corporation are performing their duties and responsibilities as per their work allotment, these Office Bearers of the Trade Union are not performing their duties and responsibilities and the authorities are also not allotting works to them, which was raised as an objection by other employees. Thus, the order impugned is motivated and is liable to be set aside.

4.The learned counsel appearing on behalf of respondents 1, 2 and 5 objected the said contention by stating that it is an order of administrative transfer and along with the petitioner, other three workmen were also transferred. The ground of *mala fide* is raised based on incorrect facts. The learned counsel emphatically informed this Court that the Office Bearers are allotted with equal work on par with other employees. However, the said statement is seriously objected by the learned counsel for the petitioner.

5.In this regard, this Court is of the opinion that if the petitioner is having any proof of non-allotment of work to the Office Bearers of the Trade Union or providing over work to the petitioner and other similarly placed persons, then he is at liberty to file a complaint along with records, documents or otherwise to the competent authority and to the Government and in the event of filing any such complaint along with the proof, the competent authority is bound to initiate all appropriate actions against the



responsible officials and also against the Office Bearers of such Trade Union, who all are drawing salary without performing their duties and responsibilities.

6.Equal allotment of work is the rule, which is to be followed by the authorities and in the event of any such allegation of non-allotment of work or non-performance of duties and responsibilities, serious actions are to be initiated against all concerned.

7.As far as the order of transfer is concerned, the petitioner is transferred from Tirunelveli to Madurai on administrative grounds. Though an allegation of *mala fide* is raised, it is in a different context.

8.This Court is of the considered opinion that transfer *per se* cannot be considered as a cause for filing a writ petition except on the ground that the order of transfer is tainted with *mala fides* or without jurisdiction. In all other circumstances, the administrative transfers are to be implemented in the interest of public administration.

9.Transfer is an incidental to service, more so, a condition of service. Public servant is liable to work wherever he is posted in the interest of public administration. On accepting the offer of appointment, a person is agreeing for the conditions of service and transfer being incidental, he must be in a position to work, wherever he is posted.

10.In view of the facts and circumstances that the allegations raised are unconnected with the order of administrative transfer, which is issued along with other employees, this Court is of the opinion that in respect of such allegations set out in the petition, the petitioner has to proceed with in the manner known to law and the grounds raised are insufficient to interfere with the order of transfer and the writ petition is liable to be dismissed.

11.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

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To

1.The Managing Director,
The Management of State Express
Transport Corporation (Tamil Nadu) Limited,
Pallavan Salai , Chennai - 600002.

2.The Senior Grade Deputy Manager
(Human Resources Development),
State Express Transport Corporation (Tamil Nadu) Limited,
Pallavan Salai, Chennai - 600002.

3.The Branch Manager,
Tirunelveli I Branch,
State Express Transport Corporation (Tamil Nadu) Limited,
Tirunelveli.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-10747[F]
dated 09/03/2022)

+1 CC to M/s.A.RAHUL, Advocate (SR-10934[F] dated 09/03/2022)
W.P. (MD) No.131 of 2022
08.03.2022

MA (CO)

GC (22.03.2022) 4P 6C