



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.2364 of 2022

and

W.M.P. (MD) Nos.2049 and 3713 of 2022

M.Ashok Kumar,
S/o. Maruthaiah Thevar,
Staff No. EDPA 1150,
Selection Grade Security Guard,
Thoothukudi Branch,
State Express Transport Corporation,
(Tamil Nadu) Limited.

... Petitioner

Vs.

1. The Management of State Express Transport Corporation,
(Tamilnadu) Limited,
Represented 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. Shyamala,
The Senior Grade Deputy Manager,
(Human Resources Development),
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai-600002.
4. The Branch Manager,
Thoothukudi Branch,
State Express Transport Corporation
(Tamilnadu) Limited,
Thoothukudi.



5. Thavamani,
The Branch Manager,
Thoothukudi Branch,
State Express Transport Corporation
(Tamil Nadu) Limited,
Thoothukudi.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORARI calling for the records pertaining the order of the 2nd respondent passed in Order No.797659/Ma.Val/Aa Vi Po Ka Tha Na/2020/5386 dated 19.01.2022 and consequential relieving order of the 4th respondent in memo No.001/A2/Aa Vi Po Ka / Thoo Di/ 2022 dated 20.01.2022 and quash the same.

For Petitioner : Mr.A.Rahul, Advocate
For R1, R2 & R4 : Mr.K.Sathiyasingh, Advocate
For R3 and R5 : No appearance.

ORDER

The order of administrative transfer passed by the second respondent dated 20.01.2021, is under challenge in the present writ petition.

2.The petitioner is working as Security Guard in the first respondent Corporation and subsequently, he was promoted as Selection Grade Security Guard. In such circumstances, impugned order of transfer has been passed and the petitioner is transferred from Thoothukudi Branch to Trichy Branch on administrative grounds.

3.It is contended by the learned counsel for the petitioner that based on the complaint given by the fourth respondent, the impugned order of transfer has been passed. Such allegations are commonly made between the union and the office bearers. Once an order of administrative transfer is issued by the authorities, it is very easy to say that such orders are passed only based on the instance of the said union. However, this Court is of the considered opinion that the union office bearers are not exempted from the administrative transfer. All office bearers are expected to work perform their duties and responsibility. They are not exempted performing their duties. Therefore, the administrative transfer would not provide any cause to the writ petitioner to file a writ petition.

4.Regarding trade union issues, it is commonly prevailing between the various trade union in transport corporation. The



trade union disputes are to be resolved in the manner known to law. Even the petitioner being a workman, has to approach the labour Court for redressal of his grievance, as the service conditions are governed under Section 12(3) of the Industrial Disputes Act.

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5.This Court cannot conduct an enquiry in respect of the rivalry between the trade union and its office bearers. However, there are frequent allegations whenever there is a change of Government or otherwise, such allegations are made. It is for the administration to ensure that the administrative transfers are issued in a genuine manner and in the interest of public administration. If at all there is any other reasons, the petitioner has to establish the same through evidence and documents before the labour Court and the High Court cannot conduct a roving enquiry in a writ proceeding under Article 226 of the Constitution of India. The petitioner being a workman and raising an allegation against the opposite trade union, is at liberty to take up the matter before the Labour Court for any adjudication and appropriate relief. Contrarily, the High Court cannot interfere with the administrative transfer in order to conduct any enquiry in respect of such disputes between the trade unions.

6.In view of the facts and circumstances, this Court is of the considered opinion that the petitioner has not made out any acceptable grounds for the purpose of setting aside the order of transfer. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

7.However, the learned counsel for the petitioner made a submission that the petitioner's wife is suffering from serious illness and thus, it is left open to the petitioner to approach the competent authority for redressal of his grievance.

Sd/-

Assistant Registrar(AD II)

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Sub Assistant Registrar(CS)

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+1 CC to M/s.A.RAHUL, Advocate
(SR-11714[F] dated 11/03/2022)

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+1 CC to M/s.T.SATHIYA SINGH, Advocate
(SR-11724[F] dated 14/03/2022)

W.P. (MD) No.2364 of 2022
and
W.M.P. (MD) Nos.2049 and
3713 of 2022
11.03.2022

SP/28/03/2022/4P/3C