



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12537 of 2021 and
W.M.P.(MD).Nos.9811 & 9812 of 2021

K.Kamalakannan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul District.

3.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order in Ref:117/CA2/HRD/TNSTC/MDU/2020 dated 12.07.2021 passed by the first respondent and consequently the relieving order issued by the second respondent in Ref.No.Admn/P3/17 dated 12.07.2021 and quash the same as illegal.

For Petitioner : Mr.S.Tamil Selvan
For Respondent : Mr.J.Senthil Kumaraiah
for RR1 & 2
Mr.K.Sudulayadi for R3

O R D E R

The order of permanent transfer made by the first respondent in proceedings dated 12.07.2021 is under challenge in the present Writ Petition.

2. The petitioner is working as Conductor in the Tamil Nadu State Transport Corporation, Dindigul Region, Periyakulam. He was appointed as a Temporary Reserve Crew employee on 12.02.2013. He was upgraded from Reserve Crew to Daily Wages employee on 14.08.2013 and thereafter, he was appointed as Permanent Employee on 24.01.2017.



The first respondent issued the impugned order of transfer in proceedings dated 12.07.2021 transferring the petitioner from Periyakulam Branch, Dindigul Region of TNSCTC (Madurai) Limited, Madurai to Salem Region of TNSCTC (Salem) Limited, Salem.

WEB COPY

3. The learned counsel appearing for the petitioner made a submission that in respect of Salem Transport Corporation, the first respondent cannot exercise its jurisdiction and therefore, the order of transfer is without jurisdiction.

4. The learned counsel appearing for the respondents is unable to establish that they have obtained any permission from the Government or such an order passed pursuant to the directions of the Government or otherwise. As far as the first respondent Corporation is concerned, the Managing Director of the First respondent Corporation is empowered to exercise jurisdiction and effect transfer and post within its jurisdiction falling under the Tamil Nadu State Transport Corporation [Madurai Limited]. However, the impugned order has been passed transferring the petitioner from Madurai to Salem Region of TNSCTC (Salem) Limited, Salem. It is not made clear that whether there is any request or order from the State Authorities to accommodate the petitioner at Salem. In the absence of any such clear directions, the order impugned has been passed without any jurisdiction and the first respondent has no authority to transfer any employee to Salem Transport Corporation. In view of the fact that the order of transfer has been passed by incompetent Authority having no jurisdiction, the writ petition is to be considered. Accordingly, the order impugned passed by the first respondent in proceedings No.Ref:117/CA2/HRD/TNSCTC/MDU/2020 dated 12.07.2021 is quashed and the Writ Petition stands allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul District.

<https://hcservices.mca.gov.in/hcservices>



3.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
Salem District.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-7232[F] dated
18/02/2022)

+4 CC to M/s.R.VARALAKSHMI, Advocate (SR-7495[F] dated 21/02/2022)

W.P.(MD) No.12537 of 2021

18.02.2022

SAR(CO)

KB(11.03.2022) 3P 9C