



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.14076 of 2020 and 4609 of 2021

and WMP(MD) Nos.11746, 14095 OF 2020 and 11743 OF 2020
and 3707 OF 2021

S.P.N.Malarvizhi

... Petitioner in both W.Ps.
Vs.

1.State of Tamilnadu
Rep. by its Additional
Chief Secretary to Government
Transport Department
Fort St. George
Chennai 9

2.The Managing Director
State Express Transport
Corporation Tamil Nadu Limited
Pallavan House
Chennai 600 002.

... Respondents in both W.Ps.

PRAYER (W.P.No.14076/2020): Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Order No.001919/HR6/SETCTN/2020 dated 01.10.2020 on the file of the respondent No.2 and quash the same as illegal insofar as transferring the petitioner and consequently for a direction, forbearing the respondent No.2 from transferring the petitioner in violation of the guidelines issued in Government order in G.O.Ms.No.10 Personnel Administrative Reforms Department 07.01.1994 and Government Order in G.O.Ms.249 Finance (Budget General - 1) Department dated 21.05.2020.

PRAYER (W.P.No.4609/2021): Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records pertaining to the impugned order in letter No.001919/HR6/SETCTN/2020 dated 22.02.2021 and the consequential impugned order in Order No.001919/HR6/SETCTN/2020 dated 25.02.2021 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.A.K.Manikkam for R1
Special Government Pleader
Mr.K.Sathiya Singh for R2



COMMON ORDER

The petitioner was appointed as Assistant Engineer in the respondent transport department and promoted to the post of Assistant Manager and thereafter to the post of Divisional Manager. Undoubtedly the post of Divisional Manager is a responsible position and the petitioner filed a writ petition challenging the order of transfer issued by the Managing Director on the ground that the Government alone is competent to issue an order of transfer in respect of the Divisional Managers working in transport department.

2.The learned counsel for the petitioner made a submission that several revolutions made in this issue and subsequently sorted out and the petitioner also agreed to submit a representation, which was submitted to the first respondent for consideration.

3. This Court is of the considered opinion that though the petitioner is a woman, she is holding a responsible higher position of Divisional Engineer and therefore, administrative transfers are unavoidable in her career. The officer in the rank of Divisional Manager cannot be kept in one place for a longer time in the interest of public administration. However, the order of transfer was challenged on the ground of jurisdiction and therefore, this Court permitted the petitioner to submit a representation, which is to be considered by the first respondent.

4. The Divisional Manager is responsible for the administration of the transport department. Their duties in the transport department is onerous and in these circumstances, this Court is of an opinion that it is suffice if a direction is issued to the first respondent to consider the representation submitted by the writ petitioner for the purpose of redressing her grievance in the manner known to law.

5. The learned counsel for the petitioner made a submission that the petitioner is not willing to continue the other proceedings including the initiation of *suo motu* contempt proceedings by this Court on 05.03.2021.

6. In view of the submission made, the petitioner is at liberty to submit a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order and in the event of receiving any such representation, the first respondent shall consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible.



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Accordingly, the writ petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed. The contempt petition is closed at the initiation stage itself.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Additional Chief Secretary to Government
Transport Department
Fort St. George
Chennai 9

2.The Managing Director
State Express Transport Corporation Tamil Nadu Limited
Pallavan House
Chennai 600 002.

+2 CC to M/s.K.SATHIYA SINGH, Advocate (SR-14584 & 14585[F]
dated 25/03/2022)

+1cc to M/S.T.Lajapathi Roy, Advocate, SR.No.13998 DATED:24.03.2022

+1cc to M/S.SPL GP, SR.No. 14311 DATED:24.03.2022

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