



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.18448 of 2021

and

W.M.P(MD)No.15230 of 2021

D.Sathiyaraja : Petitioner

Vs.

1.The General Manager, (Administration),
Tamil Nadu State Transport Corporation,
Madurai Division,
Madurai Limited,
Bypass Road, Madurai.

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Melur Branch,
Madurai District.

3.Kannan

4.Murugesan : Respondents

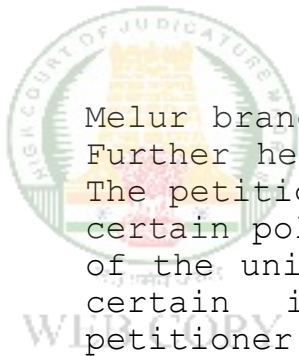
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari calling for the records of the first respondent's Administration / A3/11934/2021 dated 10.09.2021 and consequential impugned order in May/A1/125, dated 20.09.2021 by the second respondent, quash the same as illegal.

For Petitioner	: Mr.S.Alagarsamy
For Respondent	: Mr.J.Senthil Kumaraiah,
Nos.1 and 2	Government Advocate
For Respondent	: No appearance
Nos.3 and 4	

ORDER

This writ petition is filed challenging the transfer order dated 10.09.2021 and the consequential order dated 20.09.2021.

2.The petitioner submits that he is working as Conductor in
<https://hcservices.ecourts.gov.in/hcservices/>



Melur branch from the year 2006. He belongs to Scheduled Community. Further he is also an Executive Member of Labour Federation Party. The petitioner being an Executive Member of the party has questioned certain policy matters and the mistakes committed by various members of the union party. For having questioned and raised objections on certain issues, the office bearers have discriminated the petitioner. The petitioner was also assaulted by respondents 3 and 4. For this incident, the petitioner lodged a complaint on 09.09.2021 before the Inspector of Police, Melur and the same was treated as petition enquiry in CSR No.783 of 2021, dated 10.09.2021. For having lodged a complaint, at the instigation of the respondents 3 and 4, the petitioner has been transferred from Melur Branch to Ponmeni Branch.

3.Mr.J.Senthil Kumaraiah, learned Standing Counsel for the respondents submits that the petitioner has been transferred only on administrative ground and further, the petitioner alone was not transferred, but several other persons were also transferred from Melur branch to Ponmeni branch.

4.Though the respondents 3 and 4 entered appearance, there is no representation for them.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The grievance of the petitioner is that there was caste discrimination on him and for having raised certain objections and questions with regard to the policy decision of the party, he has been victimised at the instigation of the respondents 3 and 4, who happen to be the office bearers of an association. The respondents have taken a stand that there is no other intention in transferring the petitioner and only on administrative grounds several employees were transferred including the petitioner was transferred.

7.The petitioner being an executive member of a party, has questioned the activities of the management and he was also assaulted on 08.09.2021 and in this regard, the petitioner has taken treatment in Government Hospital, Melur and he has also lodged a complaint on 09.09.2021 before the Inspector of Police, Melur in CSR No.783 of 2021.

8.Transfer is incidental and also a condition to service. However, this transfer order is challenged on the ground of *mala fide*. The petitioner was assaulted on 08.09.2021, he lodged a complaint on 09.09.2021 and the impugned transfer order is passed on 10.09.2021. Thus it is clear, the impugned transfer order is passed, not on the administrative grounds, but for some other reasons. Therefore, the impugned transfer order is liable to be set aside.



9.In the result, the writ petition is allowed and the impugned transfer order and the consequential relieving order are set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

dsk

To

- 1.The General Manager, (Administration),
Tamil Nadu State Transport Corporation,
Madurai Division,
Madurai Limited,
Bypass Road, Madurai.
- 2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Melur Branch,
Madurai District.

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RD(25.02.2022) 3P 3C