



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.23067 of 2021

and

W.M.P.(MD) Nos.19528 & 19529 of 2021
& 3560 of 2022

A.Abimanyu

... Petitioner

-vs-

The Managing Director,
State Express Transport
Corporation Tamil Nadu Limited,
No.2, Pallavan Salai, Chennai-600 002.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Order in Order No.001919/HR6/SETCTN/2020 dated 18.12.2021, on the file of the respondent and quash the same as illegal in so far as transferring the petitioner and consequently for a direction, forbearing the respondent from transferring the petitioner in violation of the guidelines issued in Government Order in G.O.Ms.No.10, Personnel Administrative Reforms Department dated 07.01.1994.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondent : Mr.K.Sathiyasingh

O R D E R

The petitioner is working as Branch Manager, Madurai Depot, which is a Managerial Cadre in Transport Corporation. The order of transfer impugned reveals that the petitioner has been transferred from Madurai Depot to Central Work Shop at Trichy and posted as Assistant Manager (Works).

2.The learned counsel for the petitioner mainly contended that the petitioner, in his capacity, as the Branch Manager, allotted some specific works to the subordinate workmen, who in turn raised unnecessary allegations which resulted in passing of the impugned transfer and posting order.



3.The learned counsel for the petitioner reiterated that the petitioner has already served more than 30 years in the Transport Corporation with clean records of service. When he is in verge of retirement, he has been transferred.

4.This Court is of the opinion that the petitioner has not been transferred to a far of place. The order of transfer was issued on administrative grounds and he is transferred from Madurai to Trichy, which is not a far of place. It is brought to the notice of this Court that the petitioner is not in the verge of retirement and he has got two more years of service.

5.The learned counsel for the petitioner post a question towards this Court, can an Officer be victimised by the Trade Union Workmen. Emphatically No. All the employees are expected to perform their duties and responsibilities in the manner known to law. If at all there is any force from the subordinate employees or Trade Union Office Bearers, the Superior Officer has to initiate action by registering a complaint or as per the rules in force. Contrarily, an officer, who is working in a Managerial Cadre, cannot merely state that because of the Trade Union Members, he has been transferred on administrative grounds. Even presuming that transfer of the petitioner occurred on account of the Trade Union Members that also to be looked into whether it is on administrative grounds or not. Administrative grounds are numerous and the only consideration is the efficient and effective functioning of the public administration. Therefore, if there is no cordiality between the workmen and the Supervisory staff, that also is a ground for the higher authorities to pass administrative transfer orders. These all are the reasons why such administrative decisions are taken and transfer and posting orders are issued.

6.High Court cannot interfere with the day-to-day administration of the Transport Corporation and the competent authorities are the best persons to take decision in this regard. Unnecessary interference would cause inconvenience to the public administration and Courts cannot dilute the administrative efficiency by issuing orders by interfering with the administrative transfers. It is beyond the scope of the power of judicial review under Article 226 of the Constitution of India. The decision, if tainted with *mala fides* or without jurisdiction, then alone appropriate directions are to be issued. Though the petitioner states that the impugned transfer order has been issued at the instance of the Trade Union members, this Court is of the considered opinion that nature of allegations or otherwise are to be looked into by the higher authorities and if at all the petitioner is having any evidence to establish the same, he is at liberty to submit a complaint for appropriate actions against all such persons in the manner known to law. Contrarily, the said ground cannot be taken into consideration for the purpose of assailing the transfer and posting.



7.In the present case, the petitioner is working as Branch Manager and an order of transfer has been issued transferring him from Madurai to Trichy and in fact, along with him other two Assistant Managers were also transferred. Therefore, this Court is of the opinion that such administrative general transfers issued in respect of three officials need not be interfered with and if at all any grievance exists in respect of all such activities of the Trade Union, the petitioner is at liberty to register a complaint before the competent authority for initiation of action in the manner known to law.

8.With the above observations, 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)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

The Managing Director,
State Express Transport Corporation Tamil Nadu Limited,
No.2, Pallavan Salai, Chennai-600 002.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-10748[F] dated 09/03/2022)

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-10776[F] dated 09/03/2022)

+1 CC to M/s.A.RAHUL, Advocate (SR-10933[F] dated 09/03/2022)

W.P.(MD) No.23067 of 2021

08.03.2022

MA (CO)

GC(22.03.2022) 3P 5C