



W.P(MD)No.25692 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25692 of 2022

and

W.M.P.(MD)Nos.19803 and 20708 of 2022

K.Srikanth

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records pertaining to the impugned transfer order passed by the 2nd respondent in Ku.Aa.No.10-02/Pa.Pi-E3/TNSTC(Kum)/2022 dated 29.10.2022 and quash the same as illegal.



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For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.K.Jagadees Balan,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned standing counsel for the respondents.

2.The writ petitioner is employed as Driver in the respondent corporation. By the impugned order, he has been transferred from Kumbakonam to Peravurani. Challenging the same, this writ petition has been filed.

3.I admitted the writ petition and also granted interim order of stay on 11.11.2022. Seeking to vacate the said interim order, the management has filed vacate stay petition.

4.The primary contention of the learned counsel for petitioner is that the impugned transfer order is punitive in nature. The petitioner was suspended



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from service on 14.10.2022 and that it was revoked on 17.10.2022. However, a fresh suspension order was came to be issued on the same day. It was revoked on 29.10.2022. In the meanwhile, charge memo was issued on 25.10.2022. In this factual background, the impugned transfer order obviously part-takes the punitive colour.

5.I am fully satisfied with the contentions of the learned counsel for the writ petitioner. Since I do not want to prejudice the case of the petitioner in the department enquiry, I consciously refrain from going into the same. In these circumstances, I am inclined to pass the following order:-

“(i) The petitioner is directed to comply with the order of transfer and report for duty on 28.11.2022.

(ii) He shall give a representation for re-transfer to Kumbakonam on 12.12.2022. The second respondent is requested to favourably consider the said representation and pass order within a period of three days thereafter.

1. Since I had granted interim stay on 11.11.2022, the period upto 28.11.2022 will be treated as on duty for all purposes. This concession given to the petitioner will not be available, if this order is not complied with.”



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2.
G.R.SWAMINATHAN, J.

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The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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