



W.P.No.9860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.9860 of 2023

and

Writ Miscellaneous Petition Nos.9934 and 9935 of 2023

K.Agathiyan

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai, Salem – 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division, Dharmapuri
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Harur Branch, Dharmapuri District.
4. The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Dharmapuri Mofussil Branch,
Dharmapuri District.



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5. Elango, The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Harur Branch, Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the order made in No.Pa.Ni.3/7119/TNSTC/D.Puri, dated 02.03.2023 issued by the second respondent and quash the same.

For petitioner : Mr.G.Pugazhenth
For Respondents : Mr.P.Muthu Kumar,
State Government Pleader
Assisted by
Mr.K.Raja, Standing Counsel

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorari, calling for the records pertaining to the order made in No.Pa.Ni.3/7119/TNSTC/D.Puri, dated 02.03.2023 issued by the second respondent and quash the same.

2. The case of the petitioner is that the petitioner had obtained Conductor license in the year 1991 and appointed as Conductor under the



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third respondent's branch in Dharmapuri District and joined duty on 14.04.2010. The petitioner is a diabetic patient and taking medicines for few years and in the meanwhile, on 06.02.2023, the petitioner was allotted to work as a conductor in Bus route No.A16, and after completion of duty on 07.02.2023, when he went to make remittance of cash, the fifth respondent and the Controller of the third respondent's branch, jointly compelled the petitioner to do the duty continuously for want of Conductors. Due to the compulsion and for the welfare of the Corporation, he agreed to continue to do the work on 07.02.2023 and after completion of duty on 08.02.2023, when he went to make remittance of the cash, the cashier has directed him to get a signature from the fifth respondent in the invoice bill and that, when he went to get the signature, the Branch Manager was not there and so, he went to the Assistant Manager, the supervisor who was on duty, has got the signature and that, when he handed over it to the Cashier, he started to verify his ticket books, at that time, he received a phone call and thereafter, he refused in verifying the ticket books.



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3. Hence, the petitioner made an enquiry with the cashier in

respect of this act in stopping the verification of ticket books, for which, the cashier instructed him to obtain signature from the Controller and in turn, he replied that “how could I get the signature, when there is no column in invoice for the signature of the Controller” and then, the cashier was completely stopped in verifying the ticket books and when he enquired and sought reason for the said act, the fifth respondent and cashier got animosity against him and in order to take revenge against him, the fifth respondent influenced the second respondent and issued a charge memo, dated 20.02.2023, by the second respondent under Rule 16 K of Standing Orders, by mentioning totally different allegation against him that he has closed the cash counter and thereby, prevented the cashier from receiving cash, committed disobedience and quarrelled with the Cashier and acted as irresponsible and not dutifulness and caused hardship and loss against the Corporation and that he was also placed under suspension for a period of two days through the said memo dated 20.02.2023 and calling for explanation within four days, and that he had submitted the explanation on 26.02.2023, in which, the fifth respondent, the Assistant Engineer, the cashier and the Controller have got animosity against the petitioner and



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therefore, they furnished false information to the second respondent to issue the charge memo and he sought for domestic enquiry against the fifth respondent and other officers. In these circumstances, the second respondent passed an order dated 02.03.2023, stating that the petitioner was transferred from the third respondent Branch to Dharmapuri Sub Urban Branch, the fourth respondent herein and hence, the present Writ Petition is filed.

4. The learned counsel for the petitioner submitted that on 02.03.2023, the second respondent has passed an order, transferring the petitioner from the third respondent's branch to the Dharmapuri Sub Urban Branch, the fourth respondent herein, with malafide intention and when he was questioned, the higher officials and the other officers have wantonly taken revenge to the petitioner transferring from the third respondent's Branch to the fourth respondent's Division. He further submitted that the petitioner and his family is residing at Harur and he was now transferred to Dharmapuri Division, which is 55 kms away from presently working place and also the petitioner's son is studying 10th standard and due to the order of transfer, it would affect his son's concentration for preparing 10th



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standard Public examination and therefore, he prayed for consideration of the said claim.

5. The learned State Government Pleader appearing for the respondents would submit that the petitioner has been working in the same place for nearly about 14 years and that he has been transferred to the Dharmapuri District within the same division, and that the said transfer is for administrative reasons only not for any revenge or for any other reason and hence, he prays to dismiss the Writ Petition.

6. In view of the submissions made, it is seen that, even though, the petitioner has not given valid reasons for retaining the same place to continue to do his work and there is also a charge memo issued against him and also there is no other incident that had taken place during his entire unblemished service of 14 years and to avoid certain unnecessary incidents in future, the petitioner is hereby directed to join the place before the fourth respondent's Division. The respondents are hereby directed to consider the petitioner's case for re-transfer, after the enquiry is over and the respondents are directed to complete the enquiry as expeditiously as



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possible preferably within a period of six months from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petitions stands closed.

30.03.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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