



W.P.No.21407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21407 of 2023 and
W.M.P.No.20814 of 2023

T.Sakthivel

... Petitioner

Versus

- 1.The Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore-43.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Tirupur Region, Tirupur Depot-1,
Gangayam Salai,
Tirupur.
- 3.The Branch Manager,
Udumalaipettai Depot,
Tirupur Region,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Udumalaipettai – 642 126.
- 4.The Branch Manager,
Tirupur Depot-I,
Tirupur Region,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Tirupur – 641 604.



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5.A.Manikandan,
Assistant Engineer,
Udumalaipettai Depot, Tirupur Region,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Udumalaipettai – 642 126.

6.Gowthami,
Junior Assistant,
Udumalaipettai Depot, Tirupur Region,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Udumalaipettai – 642 126. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue appropriate Writs, orders and Directions and in particular issue a Writ in the nature of Certiorarified Mandamus, after calling for the records, pertaining to the order dated 05.07.2023, passed y the 2nd respondent in proceeding No.1746/E3A/Pa.Thu1/TNSTC (Kovai)/2023, transferring the petitioner from Udumalapettai Depot to Tiruppur Depot – 1 and the relieving order dated 06.07.2023 in Memo No.37802 issued by the 3rd respondent, Quash the same and consequently direct the respondents to retain the petitioner in Udumalaipettai Depot, with all consequential benefits, Award costs.

For Petitioner : Ms.V.Porkodi
For Respondents : Mr.A.Vinodhraj

ORDER

This Writ Petition has been filed to call for the records pertaining to order, dated 05.07.2023 passed by the 2nd respondent in proceedings No.1746/E3A/Pa.Thu1/TNSTC(Kovai)/2023 transferring the petitioner from Udumalapet Depot to Tiruppur Depot-I and relieving order, dated



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06.07.2023 in Memo No.37802 issued by the 3rd respondent and quash the same and consequently direct the respondents to retain the petitioner in Udumalaipet Depot, with all consequential benefits and award costs.

2.The transfer is challenged mainly on the ground that previously, a charge memo has been issued against the petitioner and another one on 29.05.2023 for certain allegations. According to the petitioner, the order of transfer was not on any administrative ground but it was purely a punitive one.

3.I have perused the entire materials, particularly, the charge memo, dated 29.05.2023.

4.It is not in dispute that the charge memo was issued against the petitioner and another one on 29.05.2023 for certain allegations. The transfer order has been passed only on administrative reasons. When a person against whom the charges are levelled, he cannot contend that the transfer is made with motive. No malice can be attached in all transfers.



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5.It is relevant to note that the very transfer is made to nearby place and travel time is hardly one hour. It is also relevant to note that the petitioner has been working in same station for more than eleven years. The transfer of a Government Servant is incidental in their service and when it is required for administrative grounds, the same cannot be interfered with as a matter of right. Hence, there is no merits in this Writ Petition and the same is liable to be dismissed.

6.Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

20.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

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The Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
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N.SATHISH KUMAR, J.
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