



W.P.No.26520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.26520 of 2023

and

W.M.P.No.25926 of 2023

P.Mayilsamy

... Petitioner

Vs.

- 1.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by its Managing Director,
No.12, Ramakrishna Road,
Salem – 636 303.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 303.
- 3.The Assistant Manager (Employees),
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 303.
- 4.Chandra Sekaran
The Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Mattur Branch,
Mattur Dam – 636 401.



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5.The Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rasipuram Branch,
Rasipuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for records pertaining to transfer order dated 08.08.2023 in E2/822/TNSTC(Salem)/2023 passed by the respondent No. 3 and to quash the same.

For Petitioner : M/s.Bhavani B. Mohan

For Respondents : Mr.K.Raja

ORDER

This writ petition has been filed challenging the order of the 3rd respondent, dated 08.08.2023, transferring the petitioner from Mettur Branch to Rasipuram Branch.

2.The main ground on which the transfer has been challenged by the petitioner is that the impugned transfer is punitive in nature. It is the further contention of the petitioner that he has also been served with charge-memo and hence, the impugned transfer is intentional and motivated and has been passed as a punishment measure to avenge the



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petitioner.

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3.Heard the learned counsel for the petitioner and Mr.K.Raja, learned counsel, who takes notice for the respondents 1 to 5.

4.On a perusal of the impugned transfer order, it is seen that the transfer has been effected from Mettur Branch to Rasipuram Branch, on administrative grounds. Even assuming that there are some allegations/charges pending against the petitioner, based on which the petitioner has been transferred, such a defence will not come to the rescue to the petitioner to squat in the place of his choice. Transfer, being a condition of service and incident of service, one cannot contend that he should be posted or allowed to retain in a particular place. Government Servants are at the disposal of the Government. Their services might be utilized anywhere by the Government and they are supposed to work in the Station as ordered by the Government. Even G.O.(Ms) No.10, Personnel and Administrative Reforms Department, dated 07.01.1994, contemplates that the General Policy of Transfer is not applicable to the persons where severe allegations are pending enquiry, when it is considered necessary in the public interest and sufficient in lieu of



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suspension that the officer may be transferred. Therefore, even assuming the transfer to be consequential to the disciplinary proceedings, the same cannot be said to be punitive in nature.

5.In such view of the matter, this Court does not find any merit in this writ petition. Therefore, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

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- 2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
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- 3.The Assistant Manager (Employees),
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Mattur Branch,
Mattur Dam – 636 401.

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Rasipuram.



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N. SATHISH KUMAR, J.

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