



W.A.No.27 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE G.ARUL MURUGAN

W.A.No.27 of 2020
and
W.M.P.No.338 of 2020

A.Mohammed Kaja Moideen

... Appellant

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Coimbatore Ltd.
No.37, Mettupalayam Salai,
Coimbatore – 43.

2.The General Manager,
Tamil Nadu State Transport
Corporation Coimbatore Ltd.,
Thirupur Region,
Kangayam Road, Thirupur.

3.The General Manager,
Tamil Nadu State Transport
Corporation Coimbatore Ltd.,
Udhagamandalam Region,
Udhagamanadalam (Ooty).

... Respondents



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Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 27.11.2019 made in W.P.No.21094 of 2019.

For Appellant : Ms.H.Nandhini

For Respondents : Mr.A.Sundaravadhanan
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This intra Court appeal has been directed against the order passed
by the Writ Court dated 27.11.2019 made in W.P.No.21094 of 2019.

2. The appellant herein was the petitioner before the Writ Court.
He was working as Conductor at the respondent Transport Corporation at
Pazhani Depot from where he was transferred on 06.07.2019 to Connoor
Depot, which order was under challenge in the said writ petition, where
he earned an order of stay, by virtue of the stay order, he continued in
Pazhani itself.

3. Subsequently the writ petition was dismissed by order dated
27.11.2019 which is impugned herein.



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4. During the pendency of this writ appeal also the appellant/writ petitioner had enjoyed the stay granted by a Division Bench of this Court and therefore still he is continuing in Pazhani Depot.

5. Ms.Nandhini, learned counsel appearing for the appellant would submit that, there has been a disciplinary proceedings under which enquiry was contemplated which is still pending for all these years. At the time of contemplation of the enquiry, as a punitive transfer he had been transferred from Pazhani to Connoor, therefore that was under challenge before this Court. As transfer order cannot be passed as a punitive exercise, only on that ground stay was granted in the Writ Petition and in the Writ Appeal, the stay order has been extended, therefore he was continuing in Pazhani, hence the learned counsel would seek indulgence of this Court i.e. till the disposal of the enquiry, he need not be disturbed from the present position i.e. at Pazhani.

6. On the other hand, Mr.A.Sundaravadhanan, learned Standing Counsel appearing for the respondent Transport Corporation would submit that, the enquiry in the disciplinary proceedings would be conducted and such enquiry will be completed within a time frame that



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may be fixed by this Court. Once that enquiry is completed and orders are passed on merits depending upon the outcome of the order, the further course of action with regard to the plea of the petitioner whether he has to be retained at Pazhani or transferred at different place on administrative reasons also would be taken by the respondent Transport Corporation, he contended.

7. We have considered the said rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. Since the very issue raised in this appeal is a mere transfer order passed on 06.07.2019 since then till date the petitioner/appellant is able to sustain at the place from where he has been transferred at Pazhani and all these years since has working at Pazhani and only the enquiry is still pending which is going to be completed and concluded within a shortest possible time, as stated by the learned Standing Counsel appearing for the respondent Transport Corporation, at this circumstances, we deem it to pass an order in disposing of this writ appeal with the following directions.



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(i) That there shall be a direction to the respondent Transport Corporation to complete the enquiry already initiated against the appellant within a period of three months from the date of receipt of a copy of this judgment and to pass final order thereon.

(ii) It is needless to mention that, once a final order is passed on the enquiry, depending upon the order, the further course of action as to whether the appellant/petitioner has to be transferred from Pazhani or not can be taken administratively by the respondent Transport Corporation, till such time the appellant/petitioner need not be disturbed from the present place i.e. Pazhani.

9. With this direction, the Writ Appeal is ordered accordingly.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] [G.A.M., J.]
21.12.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
Sgl
To

1. The Managing Director,



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