



W.P(MD).No.2268

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

CORAM

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P(MD).No.2268 of 2023

and

W.M.P(MD).Nos.2048 and 2049 of 2023

P.Balu

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai),
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 10.01.2023 in Ref: Admn/P2/591-1, issued by the second respondent herein and quash the same and consequently directing the respondents to retain the petitioner as Conductor, in Dindigul Unit-3, within a stipulated time as prescribed.

For Petitioner : Mr.A.Chandrakumar

For Respondents : Mr.S.Ramachandrapradeep

ORDER

This writ petition has been filed to call for the records relating to the

impugned order dated 10.01.2023 in Ref: Admn/P2/591-1, issued by the second



WEB COPY

respondent herein and quash the same and consequently, direct the respondents to retain the petitioner as Conductor, in Dindigul Unit-3, within a stipulated time as prescribed.

2. The case of the petitioner is that the petitioner was working as Conductor in the respondent Transport Corporation from 2007 onwards. While he was in service, with *mala fied* intention, the respondent Corporation issued suspension order in two times and again the petitioner was reinstated in service. However, without conducting enquiry, the present impugned punishment order of transfer from Dindigul to Palani was passed. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that till date, the petitioner has not joined duty in the transferred place, due to medical conditions. However, the present impugned transfer order is passed only with *mala fide* intention and the same is not on administrative reasons. Accordingly, he prayed for allowing the Writ Petition.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner is irregular on duty. For the lapses committed by the petitioner, the suspension order was passed and charge memo was also issued and subsequently, the suspension order was revoked. That itself shows that the respondent Corporation



W.P(MD).No.2268

WEB COPY
petition.

has no *mala fide* intention as against the petitioner and the present transfer order is purely on administrative ground. Accordingly, he prayed for dismissal of the writ petition.

5. The fact in the present case is not in dispute. Admittedly, the conductor post is a transferable post and the petitioner ought to have joined the transferred place in Palani. The petitioner is transferred within the same District from Dindigul to Palani. Further the petitioner has claimed that the present transfer order is punishment in nature. However, the fact remains that already the petitioner was suspended and subsequently, he was reinstated in service. After reinstatement, due to administrative reasons, the petitioner was transferred from Dindigul to Palani, which cannot be stated as punishment. Hence, the prayer sought for in the present writ petition cannot be granted. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner, after joining duty in the transferred place, to make a representation before respondent corporation for re-transfer to his convenient place. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
cp



W.P(MD).No.2268

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai),
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region.



WEB COPY



W.P(MD).No.2268

M.DHANDAPANI, J.

cp

W.P(MD).No.2268 of 2023

06.02.2023