



W.P.(MD)No.2428 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2428 of 2023
and
W.M.P(MD)Nos.2206 and 2207 of 2023

D.Karthikeyan

... Petitioner

Vs.

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

2.The Branch Manager,
Thevaram Branch of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Thevaram,
Theni District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus after calling for the records relating to the impugned transfer order, dated 12.01.2023, passed in Ref.No.Admn/P2/596-1 by the first respondent transferring the petitioner from the Thevaram/2nd respondent branch to the



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Ottanchathiram branch and the relieving order, dated 30.01.2023, passed by the second respondent relieving him from work from the second respondent branch and quash the same and consequently direct the 1st and 2nd respondents to permit him to continue to work in the 2nd respondent branch, award cost.

For Petitioner : Mr.V.Ajay Khose for
M/s.S.Arunachalam
For Respondents : Mr.K.Ramaiah

ORDER

This writ petition has been filed to quash the impugned transfer order, dated 12.01.2023, passed in Ref.No.Admn/P2/596-1 by the first respondent transferring the petitioner from the Thevaram/2nd respondent branch to the Ottanchathiram branch and the relieving order, dated 30.01.2023, passed by the second respondent relieving him from work from the second respondent branch and consequently, to direct the 1st and 2nd respondents to permit him to continue to work in the 2nd respondent branch, award cost.



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2. The case of the petitioner is that the petitioner is working as a Driver in respondent Corporation at Thevaram Branch and he was transferred to Ottanchathiram branch. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the Assistant Secretary of the Union (CITU), he participated in an agitation with regard to a labour issue between the employees and the Corporation, due to which, a charge memo was issued and the petitioner was placed under suspension. Subsequently, the impugned transfer order was issued, which is punishment in nature. The learned counsel for the petitioner would further submit that though the petitioner has challenged the impugned transfer order, now the petitioner is ready to join the transferred place within a reasonable time. However, liberty may be granted to the petitioner to make representation to consider him for re-transfer to his nearby native place since transferred place is 100 kms. away from his native place.



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4. The learned Standing Counsel appearing for the respondents, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, grants liberty to the petitioner to join the transferred place, within a period of one week from the date of receipt of a copy of this order and to make a representation for re-transfer to the depot of his native place. If any representation is made, the respondents are directed to consider the same and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

07.02.2023

PM
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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M.DHANDAPANI,J.

pm

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