



W.P(MD)No.5144 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5144 of 2023

and

W.M.P.(MD)Nos.4845 and 6691 of 2023

B.Mari

... Petitioner

Vs.

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

2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Thenkasi Branch,
Thenkasi.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Thoothukudi Region,
Thiruchendur Branch,
Thiruchendur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of transfer in A.Aa.No.10360/Nia5/ThaAPoKa./Thilli/2022 dated 22.02.2023 passed by 1st respondent and quash the same.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.D.Jebaraj,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Driver in the respondent corporation. He has been transferred from Tenkasi to Tiruchendur. The order of transfer is assailed primarily on the ground of jurisdiction. The learned counsel for the petitioner would contend that the order was passed by the General Manager of Tirunelveli Region and that transfer from one region to another region can be passed only by the Managing Director. The contention of the learned counsel for the petitioner is undoubtedly correct. It is seen from the records that after the proposal



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emanated from General Manager of Tirunelveli Region, it was approved and endorsed by the Managing Director. Only thereafter, the impugned order of transfer came to be issued. Since the Managing Director has given his approval, the question of jurisdiction pales into insignificance.

3.The learned counsel for the petitioner would further contend that the impugned order is punitive. The order of transfer states that it has been issued only for administrative reason and it does cast any stigma on the petitioner. There is no ground to interfere and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN, J.

ias

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