



W.P(MD)No.10134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10134 of 2023

and

W.M.P.(MD)No.8952 of 2023

N.Jawahar

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Central Office,
No.23/2, Thoothukudi Road,
KTC Nagar, Tirunelveli Division,
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Region, Vannarpettai,
Tirunelveli.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli),
Thoothukudi Region, Muthammal Colony,
Thoothukudi-08.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi Town Branch,
Thoothukudi-02.



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5. The Branch Manager,
Tamil Nadu State Transport Corporation,
Puliyangudi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned relieving transfer order passed by the fourth respondent in proceedings dated 13.04.2023 and quash the same and consequently direct the respondents to permit the petitioner to continue as Driver in Tamil Nadu State Transport Corporation, Thoothukudi Region.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner has been transferred from Thoothukudi Town to Puliyangudi Branch. The petitioner was relieved as early as on 29.03.2023. The petitioner has been warned that disciplinary action will be taken against him if he did not join in the transferred place immediately. Challenging the said communication, the present writ petition has been filed.



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3. The writ petition may not be maintainable as such. The fact remains that the petitioner was transferred to Puliyangudi and he had also been relieved. The challenge mounted by the petitioner to the order of transfer ended in vain. Therefore, no exception can be taken to the impugned communication. However, taking note of the special facts and circumstances obtaining in this case, if the petitioner join in the transferred place by day after tomorrow(28.04.2023), no adverse action will be taken against the petitioner for not joining in Puliyangudi immediately. It is of-course open to the petitioner to submit a representation for appropriately accommodating him. It is for the management to take a decision.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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