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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD)No.1687 of 2023
and
C.M.P.(MD)No.12917 of 2023

B.Mari

...Appellant

-Vs.-

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

2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region, Tenkasi Region,
Tenkasi.

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

...Respondents



PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to set aside the order dated 05.04.2023 made in W.P(MD)No.5144 of 2023 and allow the said Writ Appeal by quashing the impugned order passed by the 1st respondent in A.A.No.10360/Nia5/ThaAPoKa./Thill/2022 dated 22.02.2023.

For Appellant : Mr.K.Guhan
For R1 : Mr.D.Jebaraj

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The order of transfer of issued by the General Manager transferring the Writ Petitioner from Tenkasi to Thiruchendur was sought to be quashed in the Writ Petition.

2.The appellant has raised a ground that the General Manager has no competency to issue the order impugned, since the order of transfer was issued from one region to another region. However, the learned Judge found that the transfer order had been approved by the Managing Director of the Transport Corporation and therefore, the ground of jurisdiction raised by the appellant is untenable.



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3. Transfer is incidental to service, more so, condition of service. The present transfer order was issued on administrative grounds and further, the appellant is facing departmental disciplinary proceedings on account of certain allegations. This being the factum, we are not inclined to entertain the Writ Appeal. Consequently, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[S.M.S.J.,] & [V.L.N.J.,]
03.10.2023**

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

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S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

cmr

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