



W.P.(MD).No.17943 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17943 of 2023
and WMP(MD)No.14987 of 2023

A.Murugavel

... Petitioner

Vs

- 1.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Bye Pass Road,
Dindigul.
2. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bodi Branch, Theni.
3. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Palani Branch, Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari after calling for the records pertaining to the transfer order in ADMN/P2/124/-1, dated 13.07.2023 and relieving order dated 14.07.2023 passed by the first and second respondent quash the same, award costs.



WEB COPY



W.P.(MD).No.17943 of 2023

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to quash the impugned transfer order in ADMN/P2/124/-1, dated 13.07.2023 and relieving order, dated 14.07.2023 passed by the first and second respondent and award costs.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Now, the petitioner is working as a Tradesman in the respondent's Corporation. He joined service as Junior Tradesman and made permanent on 25.09.1988. The petitioner is a General Secretary in the Trade Union namely, Theni Mavatta Auto Tholilalargal Sangam. Since he is very active in organizing workers for the union, his activities were disliked by the second respondent. There is an another rival Trade Union, namely, Labour



W.P.(MD).No.17943 of 2023

Progressive Federation (LPF). The petitioner claims that on the pressure given by Labour Progressive Federation(LPF), the second respondent has transferred the petitioner from the second respondent's branch, with a motive to prevent his Trade Union activities, vide impugned transfer order, dated 13.07.2023 and the impugned relieving order, dated 14.07.2023. Assailing the same, the present writ petition came to be filed.

5.Heard, Mr.G.M.Xavier, learned counsel appearing for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents. Perused the materials on record.

6.The learned counsel for the petitioner insisted that the impugned orders are punitive in nature and they were passed by the second respondent purely on the instigation of the Labour Progressive Federation (LPF), which is a rival Trade Union to the Trade Union, in which, the petitioner is a General Secretary.

7.Per contra, the learned Standing Counsel has filed a counter affidavit and vehemently contended that the respondent Corporation has



W.P.(MD).No.17943 of 2023

nothing to do with the Trade Union activities of the various Trade Unions. Especially the respondent Corporation did not have any indulgence either with respect to the Trade Union, where the petitioner is the General Secretary or the so called rival Trade Union, ie., Labour Progressive Federation(LPF). The impugned transfer order and the relieving order were passed fully on administrative grounds. Due to the non availability of sufficient number of Tradesman in the Corporation at Palani, the petitioner was transferred to Palani from Bodinayakanur. More over, the petitioner has served more than 8 years in Bodinayakanur. Hence, the impugned orders need not be interfered with.

8.This Court is inclined to observe that the transfer is incidence of service. The petitioner has sufficiently served nearly eight years at Bodinayakanur and he has to oblige to the transfer order made by the Authorities, since the transfer is made fully on administrative ground. Therefore, this Court is not inclined to interfere with the impugned orders.



W.P.(MD).No.17943 of 2023

WEB COPY

9. Accordingly, this writ petition stands dismissed. There shall be

no order as to costs. Consequently, connected miscellaneous petition is closed.

22.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Bye Pass Road,
Dindigul.
2. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bodi Branch, Theni.
3. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Palani Branch, Dindigul.



WEB COPY



W.P.(MD).No.17943 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.17943 of 2023
and WMP(MD)No.14987 of 2023

22.08.2023