



W.P.(MD).No.22317 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22317 of 2023

and

W.M.P(MD) No.18604 of 2023

K.Tharmaraj
Driver (St.No.12DR202/14855)
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Karur Region, Karur Branch – 1,
Karur District.

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Region, (H.O),
By-pass Road,
Madurai District.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karur Region,
Karur District.

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karur Region, Karur Branch – I,
Karur District.

... 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 relating to the impugned order of transfer passed by the second respondent in his proceedings in Ref: பார்வை:தஅபோக/கும்ப/கம/பபி-பி1/349/2023 dated 01.08.2023 and the consequential relieving order issued by the third respondent in his proceedings No.Nil, dated 03.08.2023 (served to the petitioner on 09.08.2023) and quash the same as illegal.

For Petitioner : Mr.B.Senthil Kumar

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present Writ Petition has been filed by the Driver of the respondent Transport Corporation challenging the order of transfer.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner is working as a Driver in the third respondent Corporation in Karur Branch -1. The vehicle met with an accident on 25.07.2023 and he was suspended on 28.07.2023. Thereafter, suspension was revoked within a period of two days. On 01.08.2023, the order impugned in the writ petition



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has been passed transferring the petitioner from Karur Branch to Musiri Branch. Therefore, according to the writ petitioner, the transfer order is punitive in nature and therefore, had required interference at the hands of the Court.

3. Per contra, the learned Standing Counsel appearing for the respondent Corporation has filed a counter contending that though the petitioner was initially suspended as a punishment, the said suspension order was revoked and the petitioner was directed to undergo special training. After the petitioner completed the training, he was transferred from Karur Branch to Musiri Branch on administrative grounds. Therefore, the order impugned in the writ petition has to be sustained, in view of the fact that it is not punitive in nature.

4. I have carefully considered the submissions made by the learned counsel on either side.

5. A perusal of the impugned order indicates that on administrative grounds, the petitioner has been transferred from Karur Branch to Musiri



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Branch. The Department has not contemplated any further proceedings as against the writ petitioner, pursuant to the suspension order, dated 28.07.2023. In fact, the suspension order has also been revoked treating the said period as a punishment period.

6. Therefore, this Court does not find any merit in the writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

30.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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