



W.P.(MD).No.6089 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6089 of 2016

and

W.M.P.(MD).Nos.5389 and 5390 of 2016

1.K.Sivasamy

2.K.Prakash

3.K.Kanagaraj

4.J.Manikandan

5.S.Balamurugan

6.Muthukumar

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
and Chairman of Transport Corporations,
Fort St.George,
Chennai – 9.

2.The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.



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3.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.

4.The State Express Transport Corporation
(Tamil Nadu) Limited,
Represented by its Managing Director,
Pallavan Salai,
Chennai – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Ref: Tha.Aa.Po.Ka/Karai/Pa.Pi/Pa.2/122/2015 dated 23.11.2015, quash the same and consequently direct the respondents to re-transfer the petitioners to the second respondent Corporation and to retain them in the post of Driver at its Karaikudi Region.

For Petitioner : Mr.A.Rahul

For R-1 : Mr.J.John Rajadurai,
Government Advocate.

For R-2 and R-3 : Mr.D.Sivaraman,
Standing Counsel.

For R-4 : Mr.K.Sathiyasingh,
Standing Counsel.



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ORDER

This Writ Petition is filed challenging the transfer order dated 23.11.2015 and for a consequential direction to direct the respondents to re-transfer the petitioners to the second respondent Corporation and to retain them in the post of Driver at its Karaikudi Region. Through the impugned order the petitioner was transferred from the second respondent State Transport Corporation, Kumbakonam Limited to State Express Transport Corporation Tamil Nadu Limited.

2. The respondents submitted that all express buses were separated from the existing Transport Corporation and the new Corporation is formed namely, State Express Transport Corporation Tamil Nadu Limited. The petitioner being one of the drivers, serving in “Express Buses”, the petitioner was also transferred to the newly formed State Express Transport Corporation Tamil Nadu Limited. Such transfer is challenged in this Writ Petition. At the time of admission, there was no stay. The petitioner now continues in the transferred post from 03.03.2016 onwards. Even though the transfer order was passed on



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23.11.2015, the petitioner joined the duty on 03.03.2016. The petitioner as well as the respondents have no instructions whether the salary was paid to the period from the date of transfer to date of joining the transferred post. If the salary is not paid to the said period, the respondents shall pay the same.

3. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.03.2023

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



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To
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and Chairman of Transport Corporations,
The State of Tamil Nadu,
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- 2.The Tamil Nadu State Transport
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Represented by its Managing Director,
Kumbakonam.
- 3.The General Manager,
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S.SRIMATHY, J.

Nsr

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