



W.P.(MD).No.25870 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.25870 of 2023

and

W.M.P(MD) No.22215 of 2023

M.Manickam

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Madurai – 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Madurai – 625 010.

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Usilampatti Branch,
Madurai.

... 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



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records relating to the proceeding in Parvai: Niruvagam/A4/14091/2023, dated 03.10.2023, order passed by the second respondent and quash the same and consequently, issue direction to the respondents 1 and 2 to pass order, enabling the petitioner to continue his service at third respondent branch within the stipulated time frame as may be fixed by this Court.

For Petitioner : Mr.A.Mu.Sharavanan

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present Writ Petition has been filed by the Driver of the Tamil Nadu State Transport Corporation challenging the order of transfer from Usilampatti Depot to Pudukulam Depot on administrative grounds.

2. The same order of transfer was challenged by the writ petitioner in W.P(MD) No.14396 of 2023 and the learned Single Judge of this Court, by order, dated 30.06.2023, disposed of the writ petition directing the Transport Corporation to consider the representation of the writ petitioner, dated 31.05.2023.



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3. A perusal of the said order clearly shows that the writ petitioner did not want the writ petition to be decided on merits and he wanted only a consideration of his representation. Pursuant to the orders of the learned Single Judge, the present impugned order has been passed by the Transport Corporation on 03.10.2023 refusing to interfere in the order of transfer, which was made on administrative grounds.

4. The learned counsel appearing for the writ petitioner submits that the transfer is *malafide* and therefore, the order is liable to be set aside. He has further contended that the impugned order is a non-speaking order and therefore, it is liable to be set aside.

5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

6. Though the order of transfer dated 31.05.2023 was challenged in W.P(MD) No.14396 of 2023, the writ petitioner has chosen to give up all his grounds and he was satisfied with the consideration of his representation



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dated 31.05.2023. Now, the petitioner cannot raise the issue of *malafide* in the order of transfer. A perusal of the order of transfer reveals that the petitioner has been transferred on administrative grounds. Therefore, the question of assigning any further reasons for the subsequent representation does not arise.

7. This Court does not find any reason to interfere in the order and there is no merit in this writ petition. Accordingly, this Writ Petition is 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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