



W.P.(MD).No.25968 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25968 of 2023
and
W.M.P(MD) No.22333 of 2023

S.Ashokumar

... Petitioner

Vs.

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

2. The Branch Manager,
TNSTC (Tirunelveli Limited)
Chettikulam Branch,
Nagercoil Region,
Kanniyakumari District

3. The Managing Director,
TNSTC (Tirunelveli Limited)
Tirunelveli District.

... Respondents

(R3 is impleaded vide order of this Court dated
21.11.2023 in W.M.P(MD) No.23764 of 23
in W.P(MD) No.25968 of 2023)



W.P.(MD).No.25968 of 2023

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 pertaining to the order passed by the third respondent in his proceedings in No.2258/HRD1/TNSTC/TNV/2011, dated 26.09.2023 and the consequential order passed by the first respondent in his proceedings in No. 211/A2/TNSTC(TNV) NGL/2014, dated 26.09.2023 and the consequential order passed by the second respondent in his proceedings in Lr.No. 007/CKM/TNSTC/TNV/2010, dated 26.09.2023 quash the same.

(Prayer is amended vide order of this Court dated 21.11.2023 in W.M.P(MD) No.23831 of 2023 in W.P(MD) No.25968 of 2023)

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Conductor working in the respondent Transport Corporation challenging the order of transfer from Nagercoil Region to Tuticorin Region.

2. According to the learned counsel appearing for the petitioner, the order of the first respondent is competent enough to transfer only within



W.P.(MD).No.25968 of 2023

WEB COPY

Nagercoil Region. Under the present impugned order, he has effected transfer to Vilathikulam Branch, which falls within Tuticorin Region. Hence, the present writ petition has been filed.

3. The learned Standing counsel appearing for the respondents brought to the notice of this Court that the third respondent, namely, the Managing Director has passed an order on 26.09.2023 effecting transfer of the petitioner from Nagercoil Region to Tuticorin Region. The order of the first respondent is only a consequential order. Therefore, the issue raised by the writ petitioner relating to jurisdiction of the first respondent no longer survives.

4. The learned counsel appearing for the writ petitioner has further contended that he was found fault with by the Checking Inspector on 24.09.2023 that on the alleged ground that he had not issued tickets to eight lady passengers. Only because of the said allegation, as a punitive measure, the present transfer order has been issued.



W.P.(MD).No.25968 of 2023

WEB COPY

5. The first respondent has filed counter affidavit. Paragraph No.6 is extracted as follows:

“6. I submit that while working as Conductor in Chettikulam Branch a complaint has been registered against the petitioner for the misconduct while on duty on 24.09.2023 in Route No PCG 37. Therefore, disciplinary action had been initiated against the petitioner as a part of the disciplinary action petitioner was transferred by the Managing Director based on which official order passed by the first respondent in the proceedings in No. 211/A2/TNSTC(TNV)/NGL/2014, dated 26/09/2023 based on which 2nd respondent issued Lr.No. 007/CKM/TNSTC/TNV/2010, dated 26.09.2023.

6. The counter affidavit filed by the first respondent will clearly indicate that the petitioner was transferred as a punishment for the misconduct of the petitioner on 24.09.2023. Therefore, it is clear that the transfer of the writ petitioner from one region to another region is punitive in nature.



W.P.(MD).No.25968 of 2023

WEB COPY

7. In view of the above said facts, the order impugned in the writ petition is set aside. However, the respondents are at liberty to initiate appropriate proceedings as against the writ petitioner.

8. Accordingly, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous petition is closed.

05.12.2023

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

To

1. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region, Kanniyakumari District.
2. The Branch Manager,
TNSTC (Tirunelveli Limited)
Chettikulam Branch, Nagercoil Region,
Kanniyakumari District
3. The Managing Director,
TNSTC (Tirunelveli Limited)
Tirunelveli District.



WEB COPY



W.P.(MD).No.25968 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.25968 of 2023

05.12.2023