



WEB COPY



W.P. No.27386 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.27386 of 2021

V.M.Elumalai

... Petitioner

Vs.

1.Tamilnadu State Transport Corporation (Villupuram) Ltd,
Kanchipuram Region,
Represented by its General Manager,
Kanchipuram.

2.The Branch Manager,
Thiruthani Depot,
Tamilnady State Transport Corporation (Villupuram) Ltd,
Kanchipuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for records pertaining to the order in Proceeding No.4362/P3/TNSTC (Villupuram) Kanchi/2021 dated 27.11.2021, passed by the 1st respondent and the order dated 30.11.2021 passed by the 2nd respondent quash the same and consequently direct the respondent to retain and allow petitioner to continue to service in Thiruthani Depot.



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For Petitioner : Mr.E.Balamurugan

For Respondents : Mr.M.Aswin

ORDER

This writ petition has been filed challenging the proceedings dated 27.11.2021 whereby the petitioner herein was transferred from Thiruthani to Koyambedu Depot-1 on the ground that the said transfer was effected for extraneous circumstances and not on administrative grounds.

2. This Court, while entertaining the writ petition, passed an interim order dated 23.12.2021 staying the operation of the impugned order. As a result, the petitioner has been continuing in the Thiruthani depot for all these years.

3. It is alleged that the petitioner being an active Member of Thiruthani Depot in ATP Union raised protest against certain administrative actions and as a result of the same, to take revenge against the petitioner, the impugned transfer order came to be issued.

4. In view of lapse of more than three years, since the date of



impugned order, this Court is of the considered view that there is no necessity to examine the matter on merits at this stage as the transfer is an exigency of service and it is a prerogative right of the employer to effect transfer for better administration of the organisation. Hence, it is always open for the respondent Organisation to take a call on the necessity to transfer the petitioner from Tiruttani to any other depot from time to time.

5. In the light of the above, this Court is of the considered view that it would be in the interest of justice to leave it open to the respondent Organisation to take a fresh call on the necessity of petitioner being transferred from Thiruthani to any other depot in the present circumstances.

6. In the light of the above, without going into the merit of the case, the impugned order is set aside, in view of lapse of more than three years, leaving it open to the respondent Organisation to take a fresh call on the necessity of the petitioner being transferred to any other depot in the interest of the administration of the organisation.

7. Accordingly, the writ petition is disposed of and the



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connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

- 1.Tamilnadu State Transport Corporation (Villupuram) Ltd,
Kanchipuram Region,
Represented by its General Manager,
Kanchipuram
- 2.The Branch Manager,
Thiruthani Depot,
Tamilnady State Transport Corporation (Villupuram) Ltd,
Kanchipuram.



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MUMMINENI SUDHEER KUMAR,J.

dpa

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