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Writ Petition No.27034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27034 of 2024

and

W.M.P.No.29552 of 2024

R.Ariffen

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,
12, Ramakrishna Road,
Salem - 636 007.

2.The Divisional Manager,
Tamil Nadu State Transport Corporation,
Namakkal Divisional Office,
Namakkal - 637 001.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Mettur, Salem District - 636 401.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order in Ka.No.E2/9047/TNSTC/Salem/2024 dated 05.08.2024 passed by the first respondent, quash the same and direct the respondents to consider petitioner's representation dated 18.07.2024 and to transfer the petitioner in any nearby branches of Salem



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viz., 1.Yerumapalayam-2, 2.Johsonpettai-2, 3.Meiyanur and 4.Pallapatti Branches enabling the petitioner to attend his ailing parents based on the representation dated 18.07.2024 made by the petitioner.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 05.08.2024 and for a consequential direction to the respondents to consider the representation made by the petitioner on 18.07.2024 wherein the petitioner has requested for transfer to the nearby branches at Salem district.

2. Heard Mr.V.Elangovan, learned counsel for petitioner and Mr.K.Raja, learned Standing Counsel appearing for respondents.

3. The request made by the petitioner has been rejected by the first respondent only on the ground that this Court had passed an order in W.P.No.13184 of 2018 directing the respondents not to disturb the petitioner from the place where he is working at present at least for a minimum period of three years. In view of the same, the first respondent informed the petitioner that the request for transfer cannot be considered



in the light of such order passed by this Court.

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4. The said writ petition was dismissed by an order dated 14.03.2023. Thereafter, yet another order was passed on 27.03.2023 and the said order is extracted hereunder:

"Earlier, this Court by an order dated 14.03.2023 while dismissing the present writ petition, had directed the matter to be listed on 16.03.2023 for getting instructions from the respondents' counsel.

2. The petitioner was asked to rejoin in duty in a suitable place. However, the officer concerned did not consider the same and made the petitioner to run from pillar to post. When this Court has issued appropriate orders, asking the respondents to allow the petitioner to rejoin in duty elsewhere, the respondents without complying with the orders of this Court, have sent a letter dated 20.03.2023 to the petitioner asking him to come to the office during office hours with "Nil Police case Certificate" obtained from his nearest police station and then to approach the General Manager for getting permission to rejoin the duty. Hence, when the matter came up before this Court on 23.03.2023, directed the 2nd respondent/The Branch Manager of Tamil Nadu State Transport Corporation, Salem Division to appear before this Court on 27.03.2023 at 10.30 a.m.

3. Today (27.03.2023) when the matter is taken up, Mr.D.Laxman, General Manager of TNSTC, Salem/1st respondent appeared before this Court and it was reported that now the petitioner has rejoined in duty as a Bus Conductor at Mettur to Sivagangai route.

4. In view of the above, the appearance of Mr.D.Laxman, General Manager of TNSTC, Salem/1st respondent is dispensed with and the respondents are directed not to disturb the petitioner from the place where he is working at present atleast for a minimum period of three years.



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5. Accordingly, the Writ Petition stands closed."

5. In the light of the above order, the request made by the petitioner seeking for transfer cannot be considered since this Court had specifically directed that the petitioner should not be disturbed in the present station for a minimum period of three years. In the teeth of such a direction, the respondents cannot consider the representation and pass an order transferring the petitioner. Such order will tantamount to contempt of Court. In view of the same, this Court does not find any illegality in the order passed by the first respondent.

6. If there are any change in circumstances for the petitioner warranting transfer to the nearby branches, it will be left open to the petitioner to file a modification/review petition in W.P.No.13184 of 2018 and seek for appropriate relief.

This writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

19.09.2024

Neutral Citation: Yes/No



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Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

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N.ANAND VENKATESH, J

gm



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