



W.P(MD)No.1590 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1590 of 2022
and
W.M.P(MD)No.1384 of 2022

V.Paulraj

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu Government Transport Corporation(TVL)Limited,
Tirunelveli Region,
Tirunelveli, Tirunelveli District.

2.The Branch Manager,
Tamil Nadu Government Transport Corporation(TVL)Limited,
Tirunelveli Region,
Tenkasi Branch,Tenkasi District.

...Respondents

PRAYER: PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to impugned order in Aa.Aaa.No.7501/Niya5/tha.A.Poka/Thili/2021 dated 19.01.2022 of the 1st respondent herein and the consequential order in Ka.No.1469/ThoKa.2/thaAaPoka/21 dated 20.1.2022 of the 2nd respondent herein and quash the same.

For Petitioner : M/s.T.Pon Ramkumar

For Respondents : Mr.R.Rajamohan
Standing Counsel

* * * * *



W.P(MD)No.1590 of 2022

WEB COPY

ORDER

The instant writ petition has been filed by a Selection Grade Driver working in the Tirunelveli region respondent transport corporation, challenging his order of transfer from Tenkasi depot to Kumbakonam depot in Karaikudi region.

2.The main grounds on which the transfer order attacked is that when he transfers from one region to other region, his seniority and his promotion opportunities could be affected.

3.The respondent transport corporation has filed counter contending that the transfer in an incidental of service and the petitioner could be transferred to any region on administrative grounds and the transfer is not punitive in nature. Though the writ petitioner has raised a specific ground, in ground No.3, that he would lose his seniority, the said ground has not yet refuted in the counter affidavit.

4.It could be seen from the typed set of papers that the seniority of drivers are maintained at the regional level and only based upon the said seniority, the



W.P(MD)No.1590 of 2022

next level of promotion is effected. Admittedly, the petitioner has been transferred from Tirunelveli region to Karaikudi region. Therefore, it is clear that it is not mere order of transfer, but an order affecting the petitioner's seniority and other promotional opportunities. Therefore, his transfer order should be treated as punitive in nature.

5.In view of the above said facts, the order impugned in the writ petition is hereby set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

30.08.2024

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

RJR

To

1.The General Manager,
Tamil Nadu Government Transport Corporation(TVL)Limited,
Tirunelveli Region,
Tirunelveli, Tirunelveli District.

2.The Branch Manager,
Tamil Nadu Government Transport Corporation(TVL)Limited,
Tirunelveli Region,
Tenkasi Branch,Tenkasi District.



WEB COPY



W.P(MD)No.1590 of 2022

R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.1590 of 2022
and
W.M.P(MD)No.1384 of 2022

30.08.2024