



W.P(MD) No.2661 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.2661 of 2024

and

W.M.P(MD)No.2669 of 2024

P.Jeyaprakash

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye-Pass Road,
Madurai - 625 016.

2.The General Manager
The Tamil Nadu State Transport
Corporation (Dindigul) Ltd.,
Dindigul.



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3.The Branch Manager

Dindigul-2 Branch,

The Tamil Nadu State Transport Corporation (Dindigul) Ltd.,

Dindigul.

4.The Branch Manager

Palani Branch,

Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order in Ref No.Admn/P2/322-5 dated 02.02.2024 passed by the 2nd respondent and the reliving Order dated 03.02.2024 passed by the 3rd respondent quash the same and consequently direct the respondents to retain and allow the petitioner to continue to service in Dindigul- 2 Branch Depot.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.S.Raja,

Standing Counsel



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ORDER

The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus challenging the order of transfer, dated 02.02.2024 on the ground that its' a punitive measure and the petitioner has not been transferred on a routine administrative reasons.

2. Heard Mr.Aayiram K.Selvakumar, learned counsel appearing for the petitioner and Mr.S.Raja, learned Standing Counsel appearing for the respondents.

3. Mr.Raja, learned standing counsel for the respondents submitted that in the Dindigul Depot, the sanctioned strength is 163 drivers, but, 167 drivers are working and four persons are in surplus. In the Palani Depot, where the petitioner has got transfer, the sanctioned strength is 194, but, 184 drivers are working there.



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So, in the Palani depot 9 posts are deficit. While, in Dindigul depot, has got 3 post excess in strength, so the petitioner has been transferred to Palani only on administrative reasons. Moreover, the distance between Palani and Dindigul is not so far away and just 59 kms.

4. The learned counsel for the petitioner submitted that the petitioner had participated in State-wide strike against the Management by joining with the other co-workers. The other co-workers who have participated in the strike have issued with a charge memo along with transfer order. But all the transfer orders have been stayed by this Court and the charge memo is pending for enquiry.

5. However, as against this petitioner, no charge memo has been issued, but the petitioner has been just transferred. It is submitted by the petitioner that the petitioner stands 56 in the list of



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seniority. The transfer has been made just by pick and choose method without preferring to transfer those persons, who are in the bottom of list and who are much junior to the petitioner.

6. The petitioner has not been issued with any charge memo and that the petitioner cannot equate himself with all those persons against whom the charge memo along with transfer order has been given. However, if the petitioner is aggrieved, he can submit a representation to the respondent to reconsider his request for transfer and pass orders and further, the distance between Dindigul and Palani is not so far away and just 59 kms. The fact that Dindigul depot has got surplus drivers and Palani is a tourist place and pilgrim centre has got more vacancies as against the sanctioned strength. This kind of situation would also demand administrative actions due to administrative exigencies and hence, I do not find any reason that the transfer order issued as against the petitioner has been effected in a punitive manner. However, the



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petitioner shall submit a representation to the respondents, if he is affected due to the order of transfer and the respondents shall reconsider the same and pass appropriate orders.

7. With the above observations, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

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

RM



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R.N.MANJULA, J.

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