



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.A.(MD) No.301 of 2024
and
C.M.P(MD)No.2882 of 2024**

T.Muthukumar

....Appellant/Petitioner

-VS-

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
KTC Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
Vannarpettai,
Tirunelveli District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Sankarankovil Workshop,
Tenkasi District.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters patent
praying this Court to set aside the order of this Court made in W.P(MD)



No.29074 of 2023, dated 11.12.2023.

For Appellant : Mr.M.Kumar

JUDGMENT

DR.G.JAYACHANDRAN,J.

AND

C.KUMARAPPAN,J.

This Writ appeal is filed against the order of the learned Single Judge, who has dismissed the Writ Petition which challenged the order transferring the appellant from Sankarankovil Depo to the Central Fitness Certificate Section at Tirunelveli.

2.Heard the learned counsel appearing for the Petitioner and perused the materials placed before this Court.

3.At the outset, it is to be noted that between Sankarankovil and Tirunelveli, the distance is 50 Kms.The appellant was earlier appointed as Driver and due to his medical unfitness, he has been given the alternative job of Helper(Non-ITI), while so, due to administrative exigency, he was transferred. However, the transfer



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order is put under challenge on the ground that it is not due to administrative exercise but the same is colourable exercise with a malafide intention.

4.The learned counsel for the Petitioner states that when the appellant is a witness in a criminal case pending in the Court at Sanarankovil and to pressurize him, transfer order has been passed under the guise of administrative exigency. The appellant, who is not qualified with ITI, has been given the work in the workshop at Tirunvelveli. It was further contended that though knowing well that he is not fit to be transferred to Tirunelveli Workshop, the impugned order of transfer has been passed.

5.This Court, after hearing the learned counsel for the Petitioner and on perusing the records, finds that the malice attributed by the Petitioner has no legs to stand. As a matter of fact, the transfer is a condition of service. Further, even if he is a witness in a criminal case, he will be called to give evidence only during the time of trial. Therefore the contention that by transferring the Petitioner for that purpose, is nothing but a vindictive action, which cannot be



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acceptable at all.

6.Regarding the contention that he is not qualified to work in the Tirunelveli Depo, since he does not possess the qualification of ITI Certificate, appear to be a farfetching reason. In the Central Fitness Certificate Section at Tirunelveli, apart from ITI work, there will be many other work for a Helper to perform.

7.Hence the dismissal of the Writ Petition by the learned Single Judge is perfectly in order and this Court finds no reason to interfere with the said order. Accordingly, the Writ Appeal stands dismissed, as devoid of merits. No costs. Consequently connected Civil Miscellaneous Petition is closed.

[G.J.,J.] [C.K.,J.]
11.03.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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JUDGMENT IN
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