



W.P.(MD)No.6225 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6225 of 2024
and WMP(MD).No.5834 of 2024

S.Sivaraman

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pugai Vandi Nilaya Puthiya Salai
Kumbakonam

2.The Branch Manager
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karur Branch-I
Karur Division, Karur.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned transfer order of the respondents in Tha.A.Po.Ka/Kumba/Ma.Va.Me/62/2024 dated 04.03.2024 quash the same as illegal.



WEB COPY

W.P.(MD)No.6225 of 2024

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The instant writ petition has been filed by a Special Grade Trademan challenging his order of transfer from Karur to Jeyankondam.

2.According to the writ petitioner, he is the Treasurer of a Trade Union which was started in December 2023. Since he is an office bearer of one of the Trade Unions, by way of vindictive nature, the present order of transfer has been passed.

3.Per contra, the learned Standing Counsel for the respondents had contended that the petitioner is working in Karur Branch from the year 1998 onwards and therefore, considering the administrative exigency, the petitioner has been transferred to Jeyankondam Branch.

4.Merely because the petitioner is an office bearer of a particular trade union, it does not prohibit the employer from transferring the said employee on administrative exigency. An order of transfer can be interfered only if the petitioner is able to prove that the order has been passed with malafide intention



W.P.(MD)No.6225 of 2024

WEB COPY

or it is punitive in nature. In the present case, the trade union is said to have been formed in December 2023 and in March 2024, the transfer has been effected on administrative grounds especially when the petitioner in the said station for the past 26 years.

5.In view of the above said facts, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

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



WEB COPY



W.P.(MD)No.6225 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.6225 of 2024
and WMP(MD).No.5834 of 2024

11.09.2024