



WP(MD) No.10145 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10145 of 2024

and

W.M.P(MD)Nos.9160 & 9161 of 2024

P.Nizar Mohamed

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2.The General Manager

Tamil Nadu State Transport Corporation (Kum) Limited,
Pudukottai Region,
Thirumayam Road,
Pudukottai.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd respondent in



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TNSTC/KUMBA/PUDU/PaPi1/A20255/2024 dated 15.03.2024
and quash the same as illegal.

For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.K.Ramaiah

Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd respondent in TNSTC/KUMBA/PUDU/PaPi1/A20255/2024, dated 15.03.2024 and quash the same as illegal.

2. Heard Mr.P.Vijaynivas, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner has submitted that the petitioner has already been transferred on 29.06.2023 from Ponnamaravathi Branch to Jayankondam Branch on the basis of some administrative reasons. The petitioner challenging the said transfer order by preferring a writ petition in W.P(MD)No.18112 of 2023, in which, the transfer order was stayed. However, during the pendency of the writ petition, the petitioner was once again transferred. Earlier writ petition was closed on the undertaking that the petitioner will be re-transferred to Ponnamaravathi. Now, the petitioner has been transferred from Ponnamaravathi Branch to Pattukottai Branch.

5. The learned counsel for the petitioner submitted that the transfer is punitive in nature and there cannot be any administrative grounds for transferring the petitioner once again in a short interval from Ponnamaravathi Branch to Pattukottai Branch.

6. However, the learned Standing Counsel for the



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respondents submitted that the petitioner involved in a misconduct on 12.03.2024 by abandoned the bus on the road and went away by leaving the passenger at lurch. Under such compulsive circumstances, the Conductor needed to take the bus to the shed.

7.In view of the above said allegations, the petitioner was placed under suspension on 14.03.2024. However, on the next day, the transfer order has been issued by transferring him from Ponnamaravathi Branch to Pattukottai Branch.

8. Having placed the petitioner under suspension, it is unnecessary to transfer him during the period of suspension. There cannot be any justifiable administrative reason as the petitioner is going to be out of service. Since the transfer order, dated 15.03.2024 appears to be unnecessary and it does not serve any purpose, the same is liable to be recalled.



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9. In view of the above, the Writ Petition is **allowed** and the impugned order, dated 15.03.2024 passed by the second respondent is declared as unnecessary and the second respondent is directed to recall the order. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.10145 of 2024

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