



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18377 of 2023

and

W.M.P(MD)Nos.8665 of 2024 & 15255 of 2023

M.Rajeshkumar

... Petitioner

Vs.

1.The Secretary to the Government,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

3.The General Manager,
Tamil Nadu State Express Transport Corporation,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

4.The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Thanjavur Branch,
Old Bus Stand, Thanjavur District.

*(Amended as per order of this Court
dated 18.09.2024 made in W.M.P(MD)No.18702 of 2024 in
W.P(MD)No.18377 of 2023)*

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the impugned order in 107/A2/Avipoka/Thanjai/22, dated 05.11.2022 on the file of the Respondent No.4 and consequential impugned order in Letter No. 032619/MaVa4/Avipoka/2019, dated 21.06.2023 on the file of the Respondent No.3 and quash the same.

For Petitioner : Mr.S.Rajasekar
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.K.Senthil Kumar
Standing Counsel for R2 to R4

ORDER

The instant writ petition has been filed by a Driver-cum-Conductor working in the Tamil Nadu State Express Transport Corporation, challenging his order of transfer from Thanjavur to Chennai.

2.According to the learned Counsel appearing for the writ petitioner, a show cause notice has been issued to the petitioner on 02.11.2022 and therefore, the order of transfer is punitive in nature. It is settled position of law that in case, if the management wishes to initiate any departmental action, they are at liberty to transfer the writ petitioner, so that there could be a fair enquiry. In the



said circumstances, mere issuance of a show cause notice is not a legal impediment for effecting transfer of the writ petitioner. It is also pertinent to point out that the transfer order does not reflect any imputation of charges or allegations as against the writ petitioner.

3.In such circumstances, the order impugned in the writ petition cannot be considered to be punitive in nature. There are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

18.09.2024
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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR

To

The Secretary to the Government,
Transport Department,
Secretariat,
Chennai – 600 009.



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R.VIJAYAKUMAR, J.

RJR

W.P(MD)No.18377 of 2023

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