



W.A(MD)No.1200 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A(MD)No.1200 of 2015
and
M.P(MD)No.1 of 2015

S.Sheik Abdullah

... Appellant

VS.

1. The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Division,
Dindigul District.

2. Mr.Manickavasagam,
General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Division,
Dindigul District.

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
Dindigul Branch-1,
Dindigul Division,
Dindigul District.

4. Mr.Palamalai
Branch Manager,
Tamil Nadu State Transport Corporation,
Dindigul Branch-1,
Dindigul Division,
Dindigul District.



W.A(MD)No.1200 of 2015

5. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai),
Bye-pass Road, Madurai.

6. Mr.Veerapandi,
Managing Director,
Tamil Nadu State Transport Corporation (Madurai)
Bye-pass Road,
Madurai.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order dated 15.10.2015 made in W.P(MD)No.18940 of 2015.

For Appellant : Mr.J.David Ganesan
For Respondents : Mr.A.Jeyaram

J U D G M E N T

(Judgment of the Court was made by V.BHAVANI SUBBAROYAN, J.)

Challenging the order dated 15.10.2015 made in W.P(MD)No.18940 of 2015, declining to interfere with the order of transfer of the appellant, the appellant/writ petitioner has preferred this appeal.

2. Learned counsel for the appellant submitted that the appellant/writ petitioner was appointed as a Conductor on 01.05.1995 in the respondent Transport Corporation and he suffered from



W.A(MD)No.1200 of 2015

Psoriasis/Psoriatic Arthritis. Hence, he requested for alternative employment which was denied. Challenging the same, the appellant filed W.P(MD)No.6327 of 2007 and pursuant to the order passed in the said writ petition, he was given alternative employment as Non-ITI Helper in Dindigul-I, TNSTC as per the order of the 2nd respondent dated 11.08.2014. While so, the appellant was transferred by order dated 08.10.2015 of the 1st respondent from Dindigul Region-I to Dindigul Region-II. Challenging the same, the appellant filed writ petition and contended that though the transfer order states that he was transferred on administrative grounds, according to him, he was slapped with the transfer order because of the repeated complaints made by him about the mal-administration and corrupted practice in operating the buses by sacrificing the time schedule of the transport corporation, as such, the transfer order is it by malafidness. However, the learned Single Judge considering the fact that the distance between Dindigul Region-I at Dindigul and Dindigul Region-II at Manapparai, to which the appellant was transferred, is only less than 60 kilometres, dismissed the writ petition holding that there is no merit on the contentions of the appellant/writ petitioner. Hence, the learned counsel seeks interference of this Court.



3. Record of proceedings shows that when the writ appeal came up for admission on 04.11.2015, this Court while ordering notice of motion had granted an order of interim stay of the order passed by the Writ Court for a period of three weeks. However, the said interim order was not extended subsequently.

4. The 1st respondent has filed a counter affidavit. Learned counsel appearing for the respondent Transport Corporation submitted that the duty of the operation wing of the corporation is to review every traffic generating point and to post personnel to monitor the vehicles and to improve the revenue. Accordingly, approval was obtained by them from the management for posting a staff at Manapparai bus stand. Since the appellant had given willingness for the said work, the transfer order was issued. Therefore, the learned counsel for the Corporation submits that the allegation of the appellant that only infuriating the attitude of the appellant in making repeated complaints about the irregularities in the department, transfer order was passed with mala fide intention, is baseless, whereas only with a view to create a ground for challenging the transfer, the appellant has made such baseless allegation. He further submitted that because of the interim stay granted by this Court, the



W.A(MD)No.1200 of 2015

Corporation could not transfer the appellant to the needy places. Hence, the learned counsel seeks to vacate the interim order and to dismiss the writ appeal.

5. Going through the memorandum of grounds of appeal, we find that the grounds raised before the learned Single Judge have been reiterated before this Court also. Though the appellant assailed the transfer order on the ground of malafidness, the transfer order does not refer to any complaint or departmental action, whereas it states that it was passed on administrative grounds. Even as per the counter affidavit now filed in this appeal, only considering the willingness of the appellant to work at bus stand, the transfer order was passed. Though this Court granted interim stay for a limited period of three weeks, learned counsel for the Corporation submitted that by virtue of the said order, the appellant is posted at Dindigul-I Branch till now. The writ appeal is pending from 2015. The appellant has enjoyed the fruits of the interim order by staying in one place from 2015 till today.

6. Learned counsel for the appellant has submitted that the appellant has about one year of service for attaining superannuation and



W.A(MD)No.1200 of 2015

therefore, he should not be disturbed. We cannot accept such contention having regard to the aforesaid facts and circumstances of the case. Time and again, Courts have held that Transfer is not only an incident of service, but also a condition of service and the transfer order passed purely on administrative grounds must not ordinarily be interfered with by the Courts and the Courts should maintain judicial restraint. It is also well settled that transfer order cannot be interfered with unless it is contrary to statute or malafide is alleged and proved or the authority who issued the same has no jurisdiction. In this case, none of the grounds are made out. Therefore, we do not see any reason to interfere with the order passed by the learned Single Judge.

7. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S., J.) (K.K.R.K., J.)
06.03.2024

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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