



W.P.(MD)No.19249 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19249 of 2023

and

W.M.P(MD)No.15944 of 2023

S.Thangaraj

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Vilathikulam Branch, Vilathikulam,
Thoothukudi District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Thiruchendur Branch, Thiruchendur,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the impugned order of transfer in A.Aa.No.10360/Nia5/ThaAPoKa./Thili/2022 dated 20.07.2023 passed by the 1st respondent and quash the same.



W.P(MD)No.19249 of 2023

WEB COPY

For Petitioner : Mr.K.Guhan
For Respondents : Mr.D.Jebaraj
Standing Counsel
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ORDER

The instant writ petition has been filed by a Driver of the respondent transport corporation, challenging his order of transfer from Vilathikulam branch to Tiruchendur branch, primarily on the ground that when a charge memo has been issued to the writ petitioner on 06.07.2023, the present impugned order has been passed on 27.07.2023, and therefore, it is a punitive transfer.

2.The judgment of the Hon'ble Supreme Court of **Registrar General Vs. R.Pevachi** reported in **2011 (12) SCC 137**, in paragraph No.36, has held that whenever complaints are received as against the concerned employee and departmental proceedings are initiated, the transfer is effected by the management, the said transfer can never be considered to be punitive in nature. The judgment of the Hon'ble Division Bench of our High Court of **Secretary to Government v. Dr.S.Raja Rajan** reported in **2015 (3) MLJ 769** in paragraph No. 6, has categorically held that on account of inefficiency of a Government servant, the Government is competent to transfer and the same cannot be



W.P(MD)No.19249 of 2023

considered to be punitive in nature. In the present case, merely because the charge memo has been issued to the writ petitioner, unless the same is reflected in the order of transfer, the same cannot be considered to be punitive in nature.

3.In the view of the above submissions, there are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

04.09.2024

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

RJR



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W.P(MD)No.19249 of 2023

R.VIJAYAKUMAR, J.

RJR

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