



W.P.(MD) Nos.20694/2023 & 19564/2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) Nos.20694 of 2023 & 19564 of 2024

A.Arulappan ... Petitioner in both W.Ps.

-VS-

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

2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Thenkasi Branch,
Thenkasi,
Thenkasi District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Papanasam Branch, Papanasam,
Tirunelveli District. ... Respondents in W.P.(MD) No.20694/2023



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- 1.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.
- 2.The Assistant Manager (Disciplinary Proceedings),
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli. ... Respondents in W.P.(MD) No.19564/2024

PRAYER: W.P.(MD) No.20694 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records pertaining to the impugned order of transfer in A.Aa.No. 10360/Nia5/ThaAPoKa./Thili/2022, dated 7.8.2023, passed by the 1st Respondent and quash the same.

PRAYER: W.P.(MD) No.19564 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order in No. 10069/Sa-18/O.Na.Pi/Tha.A.Po.Ka./Thili/2024, dated 22.07.2024, passed by the 2nd respondent and quash the same and consequently direct the



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respondents to consider the petitioner's representation, dated 26.07.2024, and pass orders.

For Petitioner in both W.Ps.: Mr.K.Guhan

For Respondents in both W.Ps. : Mr.K.Ramaiah.
Standing Counsel.

ORDER

W.P.(MD) No.20694/2023 :

This Writ Petition has been filed by a Driver of the respondent Transport Corporation, challenging the order of transfer from Thenkasi Branch to Papanasam Branch.

2. According to the learned counsel for the petitioner, the transfer is punitive, on the ground that the petitioner has made allegations about non-working of the headlights of the buses. The learned counsel would submit that four days prior to issuance of order of transfer, the petitioner was issued with a charge memo and placed under suspension for a period of four days. Therefore, the impugned transfer is punitive in nature.

3. Per contra, learned counsel appearing for the respondent Transport Corporation has contended that the transfer order does not reflect any allegations as against the writ petitioner and, though he was relieved on 16.08.2023, he has not joined the transferred place for the past one year.



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4. Considering the fact that the impugned order does not reflect any imputation of charges as against the writ petitioner and it is purely an administrative transfer, this Court is not inclined to interfere with the impugned order of transfer. Further, it is brought to the notice of this Court that the petitioner has been working at Thenkasi Branch for the past sixteen years. In such view of the matter, there are no merits in this Writ Petition, which is, accordingly, dismissed. No costs. Consequently, the connected W.M.P.(MD) No.17120 of 2023 is closed.

W.P.(MD) No.19564/2024 :

5. This Writ Petition has been filed by a Driver, challenging the warning letter issued by the respondent Transport Corporation, for not reporting to duty, despite the order of transfer.

6. It is seen from the typed set of papers that a charge memo was issued to the writ petitioner on 03.08.2023 for not reporting to duty at Papanasam Branch. Though the petitioner has submitted his explanation, he has not participated in the inquiry proceedings and the impugned warning letter has been issued on 22.07.2024, warning him that a last chance is afforded to him for appearance in the inquiry proceedings. This warning letter has been challenged in the present present writ petition.



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7. The petitioner, having received the charge memo and sent his explanation, is expected to participate in the inquiry proceedings. Therefore, the warning letter issued by the respondent Transport Corporation to the writ petitioner to participate in the inquiry proceedings cannot be considered to illegal or arbitrary. As such, there is no merit in this Writ Petition, which is dismissed. However, if the petitioner joins duty at Papanasam Branch on 27.08.2024, further proceedings as against him shall be dropped by the Transport Corporation. No costs. Consequently, the connected W.M.P.(MD) No.16590 of 2024 is closed.

22.08.2024

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

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To:

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



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- 2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Thenkasi Branch,
Thenkasi,
Thenkasi District.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region,
Papanasam Branch, Papanasam,
Tirunelveli District.
- 4.The Assistant Manager (Disciplinary Proceedings),
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.



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R.VIJAYAKUMAR, J.

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