



W.P.(MD).No.23127 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23127 of 2022

and

W.M.P.(MD).No.17230 of 2022

Periyakaruppan

... Petitioner

-VS-

- 1.The Managing Director,
TamilNadu State Transport Corporation (CBE) Ltd.,
Coimbatore Division,
Coimbatore.
 - 2.The Managing Director,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
Madurai.
 3. The General Manager
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.
 4. The Branch Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Theni Branch, Theni.
- ... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of transfer passed by the 2nd Respondent vide proceedings in Ref:52/CA2/HRD/TNSTC/MDU/2022, dated 25.08.2022 and consequential impugned order of the Respondents No.3 in Ref: Admn/P2/465, dated 27.08.2022 and impugned consequential Relieving Order of the 4th respondent dated 27.08.2022 and quash the same as illegal and consequently direct the respondent No.2 to issue necessary order absorbing the petitioner as regular employee of the 2nd respondent corporation w.e.f. 31.10.2009 with all attendant benefits.

For Petitioner	: Mr.J.Lawrance
For Respondent No.1	: Mr.S.C.Herold Singh, Standing Counsel
For Respondent No.2	: Mr.S.Ramachandra Prathap Standing Counsel

ORDER

The instant writ petition has been filed by a conductor working in the TamilNadu State Transport Corporation, Madurai Region, challenging the cancellation of deputation order and his repatriation to Coimbatore Region.



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2. A perusal of the typed set of papers reveal that by way of proceedings dated 22.10.2009, passed by the first respondent herein, the petitioner was deputed from Coimbatore Division to Madurai Division for a period of one year. However, the petitioner managed to work in the deputed Division for more than 15 years. The first respondent had made a request to the 2nd respondent to repatriate the petitioner back to Coimbatore Region by various letters dated 03.01.2022, 29.07.2022 and 18.08.2022. Based upon the above said requests, the 2nd respondent has relived the petitioner under the impugned order dated 25.08.2022 and directed the petitioner to report before the first respondent. The said order is under challenge in the present writ petition.

3. According to the learned Counsel appearing for the petitioner, he had made a request to the Government for permanently transferring him from the first respondent to 2nd respondent office. However, only an order of deputation was passed in the year 2009. The petitioner has been working in the 2nd respondent Transport Corporation for more than 15 years and he had been promoted to various levels in the 2nd respondent Division. In such circumstances, repatriation back to the parent Division namely the 1st



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respondent, would cause great prejudice to the petitioner. That apart, if he is transferred from Madurai Division to Coimbatore Division, it would cause great prejudice to his family.

4. Per contra, the learned standing counsel appearing for the 1st respondent submitted that as per the Service Rules of Transport Corporation, the petitioner can be on deputation to another division only for a period of one year. Even as per the deputation order dated 22.10.2009, the petitioner was permitted on deputation basis only for a period of one year. Therefore, due to shortage of staff, the first respondent wanted to recall the petitioner back to Coimbatore Division. In such circumstances, the impugned order in this writ petition cannot be found fault with.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The petitioner has been deputed from Coimbatore Division to Madurai Division, specifically for a period of one year by way of an order dated 22.10.2009. After expiry of more than 13 years, several requests were



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made by the parent department to repatriate the petitioner back to the Coimbatore Division. Therefore, the order passed by the 2nd respondent herein cannot be found fault with. The petitioner cannot continue on deputation basis for over a period of one year in the Madurai Division. In case, if the petitioner wishes to get transferred permanently to the Madurai Division, it is for the petitioner to approach the appropriate authority for getting such relief.

7. In view of the above said facts, there are no merits in this writ petition. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

gvn

To

- 1.The Managing Director,
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Coimbatore.
- 2.The Managing Director,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
Madurai.
3. The General Manager
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.
4. The Branch Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Theni Branch, Theni.

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