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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21120 of 2023
and
W.M.P(MD)No.17526 of 2023

B.Paramasivan

... 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,
Papanaam Branch,
Papanasam, Tirunelveli District.

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

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to
issue a writ of Certiorari, to calling for the records pertaining to the impugned



order of Transfer passed by the 1st respondent in A.Aa.No. 10376/Niya5/Tha.A.Po.Ka./Thili/2022, dated 27.07.2023, transferring the petitioner to Papanasam to Thiyasanvilai Branch of the 1st respondent corporation and quash the same.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.K.Ramaiah
Standing Counsel for R1 to R3

* * * * *

ORDER

The instant writ petition has been filed by a Conductor of the respondent transport corporation, challenging his order of transfer from Papanasam branch to Thisayanvilai branch, primarily on the ground that when a charge memo has been issued to the writ petitioner, 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, and the transfer is effected by the management, the said transfer can never be considered to be punitive in nature.



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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 considered to be punitive in nature. In the present case, merely because a 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.

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

RJR



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R.VIJAYAKUMAR, J.

RJR

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