



W.P.(MD).No.24463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.24463 of 2023

and

W.M.P(MD)Nos.20652 & 20654 of 2023

S.Sanmugam

... Petitioner

Vs.

1.The General Manager (Operation),
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

2.The Divisional Manager,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Tirunelveli, Tirunelveli District.

3.The Branch Manager,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Senkottai Branch,
Tenkasi District.

4.Sreenivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned Transfer order issued by the 1st respondent General Manager in



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Order no.207043/MaVa4/AViPoKa/2023/5694, dated 13.09.2023 transferring from Senkottai to Madurai, and the consequent relieving order issued by the 3rd respondent Branch Manager in Memo No.003/She/AViPoKa/She/23, dated 15.09.2023, quash the Same.

For Petitioner : Mr.S.Xavier Rajini

For R1 – R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed to call for the records relating to the impugned Transfer order issued by the 1st respondent General Manager in Order no.207043/MaVa4/AViPoKa/2023/5694, dated 13.09.2023 transferring from Senkottai to Madurai, and the consequent relieving order issued by the 3rd respondent Branch Manager in Memo No.003/She/AViPoKa/She/23, dated 15.09.2023, quash the Same.

2. The petitioner is working as a Driver cum Conductor in the 3rd respondent Branch. On June 2017, he was transferred to the 3rd respondent Branch. He is also discharging his duties as Vice Secretary of Labour Progressive Front in the 3rd respondent Branch. The petitioner was in duty till 14.09.2023 and on 15.09.2023, the 4th respondent did not permit the petitioner



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to discharge his duties in view of the impugned order of transfer, dated 13.09.2023. Challenging the same, this writ petition came to be filed.

3. The learned counsel for the petitioner vehemently submitted that the petitioner has been transferred from Sengottai to Madurai on 13.09.2023. Though the order of transfer has been passed on the ground of administrative reasons, in reality, it is a punitive transfer and only to wreak vengeance as against him for his activities as Vice Secretary of Labour Progressive Front, he has been targeted and the impugned transfer order came to be passed. Hence, he sought for the intervention of the said impugned order of transfer by this Court.

4. The learned Standing Counsel appearing for the respondents 1 to 3 has filed a counter and submitted that there is nothing to be considered as punitive. However, he fairly conceded that the petitioner and certain employees have quarrelled in the depot premises on 12.09.2023 at 10.30 a.m along with the gathering in duty hours. In this regard, a report was received from the 3rd respondent by the 1st respondent seeking to initiate disciplinary action against certain employees, including the petitioner. In view of the said report, the impugned transfer order, dated 13.09.2023 has been passed by the 1st



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respondent and relieving order, dated 14.09.2023 has also been issued by the 3rd respondent to the petitioner. In this regard, already on 28.09.2023, the Transport Corporation has issued a charge memo to the petitioner and other certain employees involved in the quarrel on 12.09.2023. He further submitted that the transfer is very much necessary for maintaining law and order situation of the depot and as well as for the sake of better administration of the Corporation and he further suggested that the petitioner may be conveniently placed in Tirunelveli rather transferring to Madurai and pressed for dismissal of the writ petition.

5. Heard the learned counsels on either side and perused the materials available on record.

6. A careful perusal of the counter affidavit filed by the 1st respondent would reveal that certainly the impugned order of transfer, dated 13.09.2023 has been issued as a punitive measure for the petitioner having indulged in quarrel in the depot premises on 12.09.2023 and that a charge memo has also been issued on 28.09.2023 as against him. Under such circumstances, without issuing notice, the impugned order of transfer ought not to have been issued by the respondent Corporation. Since it is punitive in nature, this Court is inclined



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to quash the impugned order of transfer, dated 13.09.2023. Accordingly, the impugned order, dated 13.09.2023 is quashed. However, liberty is granted to the respondent Transport Corporation to give opportunity to the petitioner and proceed with an enquiry.

7. With the above said observations, this Writ Petition stands allowed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

24.01.2024

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

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L.VICTORIA GOWRI, J.

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