



W.P.(MD).No.28384 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28384 of 2023

and

W.M.P.(MD) Nos.24426 of 2023 and 4326 of 2024

R.Vinokumar

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Nagercoil Zone,
Kanyakumari District.

2. The Branch Manager,
Kuzhithurai Branch,
Tamil Nadu State Transport Corporation,
Padanthalumoodu,
Kanyakumari District.

3. The Branch Manager,
Vivekandapuram Branch,
Tamil Nadu State Transport Corporation,
Kanyakumari,
Kanyakumrai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to impugned order passed by the first respondent in No.238/A2/TNSTC[TVL]/Nagar/2012, dated 20.11.2023 and the consequential relieving order of the second respondent vide Memo No. 1/KUZ/1/TNSTC/[NGL]/2012, dated 21.11.2023, and quash the same and consequently direct the respondents to retain the petitioner at the second respondent office as earlier.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present Writ Petition has been filed by a Conductor of the respondent Transport Corporation, challenging the order of his transfer from Kuzhithurai Branch – I to Vivekanandapuram Branch.

2. According to the learned counsel appearing for the writ petitioner, on 20.11.2023, a charge memo was issued to him and on the same day, the impugned order of transfer has been issued and therefore, it is punitive in nature.



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3. Per contra, the learned Standing Counsel appearing for the respondents had contended that the petitioner is working in Kuzhithurai Branch for more than 25 years and since more than 30 instances of misconduct have been recorded in the Conduct Register, the petitioner was transferred. Therefore, the present transfer cannot be considered to be punitive in nature.

4. The learned counsel appearing for the petitioner has also brought to the notice of this Court that the petitioner is a physically challenged person to an extent of 50%, and therefore, transferring him to a place which is 60 Kilometers away from Kuzhithurai Branch would affect his family life and it would cause inconvenience to him.

5. From the dates and events narrated above, it is clear that on the date on which a charge memo was issued, the order of transfer has also been issued. Even though the order of transfer reflects that his transfer is on administrative grounds, certainly it is punitive in nature and also considering the fact that the petitioner is a physically challenged person to an extent of 50%, this Court is inclined to quash the order of transfer on the ground that it



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is punitive in nature.

6. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

25.09.2024

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

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Padanthalumoodu,
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3. The Branch Manager,
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Tamil Nadu State Transport Corporation,



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Kanyakumari,
Kanyakumrai District.



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R.VIJAYAKUMAR,J.

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