



W.A(MD)No.376 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.376 of 2024
and
C.M.P(MD)No.3286 of 2024**

M.Manickam

... Appellant/Petitioner

VS.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai – 625 010.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai – 625 010.

3.The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Usilampatti Branch,
Madurai.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order in W.P(MD)No.25870 of 2023, dated 30.10.2023 and allow the Writ Appeal.



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For Appellant

: Mr.A.Mu.Sharavanan

For Respondents

: Mr.S.C.Herold Singh

JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

This Writ Appeal has been filed against the order passed by the Writ Court, dated 30.10.2023, made in W.P(MD)No.25870 of 2023, where the order of transfer made against the appellant/writ petitioner has been challenged.

2.The learned Judge, who heard the matter, has dismissed the Writ Petition by the order impugned, dated 30.10.2023. Though a reason of *mala fide* alleged by the writ petitioner before the Writ Court, the same has been rejected by the learned Judge, where he has found that on perusal of the order of transfer, it reveals that the writ petitioner has been transferred on administrative grounds. Therefore, the question of assigning any further reasons for the subsequent representation does not arise.

3.In this context, Mr.A.Mu.Sharavanan, learned counsel appearing for the appellant would submit that, the appellant is the office



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bearer of the employees' union, therefore, if at all he has to be transferred, prior concurrence is to be obtained from the employees' union.

4.In this regard, when a specific question was asked, the learned counsel would submit that, there has been no settlement under Section 12(3) of the Industrial Disputes Act, with regard to such an arrangement of getting a prior concurrence from the employees' union, in case, any of the office bearers is to be transferred on administrative exigency.

5.Merely because, the appellant being the office bearer of the employees' union, the power of the employer to invoke for transfer, such an employee on administrative exigency cannot be curtailed, therefore, such an order of transfer is for that reason cannot be assailed by citing the reason of *mala fide*, as such reason of *mala fide* does not surface in this case which has been found out by the learned Judge in the order impugned, of course, rightly. The said reason given by the learned Judge is to be accepted. Hence, we do not find any plausible reason to interfere with the order passed by the learned Judge, which is impugned herein.



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6.Resultantly, this Writ Appeal fails and the same is dismissed.

However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
01.04.2024

NCC : Yes / No
Index : Yes / No
ps



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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.A(MD)No.376 of 2024

DATED : 01.04.2024