



W.P.(MD).No.31305 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31305 of 2023
and W.M.P(MD)No.26841 of 2023

M.Aathi Kumaran

... Petitioner

Vs

1. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye Pass Road, Madurai.
2. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Branch, Madurai.
3. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Ponmeni Branch, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the transfer order in Nirvagam/ A3/13936/2023, dated 07.12.2023 and relieving order in Melur/A1/SPL, dated 14.12.2023 passed by the respondents 1 and 2 respectively and quash the same, award costs.

For Petitioner : Mr. G.M.Xavier
For Respondents : Mr.S.C.Herold Singh
Standing Counsel



W.P.(MD).No.31305 of 2023

WEB COPY

ORDER

The present writ petition has been filed challenging the transfer order in Nirvagam/ A3/13936/2023, dated 07.12.2023 and relieving order in Melur/A1/SPL, dated 14.12.2023 passed by the respondents 1 and 2 respectively and award costs.

2.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials on record.

3.(i).The petitioner joined as Driver in the respondent Corporation. He is the Secretary of National Trade Union Congress (INTUC) and in that capacity he used to regularly report the grievances of the workmen belonging to his Union to the second respondent to alleviate their grievances.

(ii).On 01.12.2023, a similar petition was submitted by the petitioner in the capacity of Secretary with regard to the malpractices of the 12 persons belonging to the ruling party Trade Union, who refuted to discharge their duties and sitting idle in the Corporation. Thereafter, within a period of one week, ie., on 07.12.2023, the impugned transfer order and consequential



W.P.(MD).No.31305 of 2023

relieving orders came to be passed. Challenging the same, this writ petition came to be filed.

4.The learned Standing Counsel appearing for the respondents has filed a counter and submitted that the petitioner has been transferred to Ponmeni Depot from Melur Depot. The Ponmeni Depot is operating 77 buses everyday, which require 202 drivers, whereas, as of now 198 drivers are working. Due to insufficient strength of drivers, the petitioner has been transferred to the said Depot on administrative grounds and there is no suspicion or malafide intention in the impugned orders. Hence, prayed for dismissal of the writ petition.

5.The learned counsel for the petitioner vehemently submitted that the impugned orders have been passed only as a counter blast to his petition, dated 01.12.2023. However, on careful perusal of the records, it could be found that the said petition has not been acknowledged by the respondent Corporation, for which, the learned counsel for the petitioner submitted that the same has been submitted in person. Per contra, the learned Standing Counsel



W.P.(MD).No.31305 of 2023

for the respondents, on instructions, submitted that no such petition has been filed before the respondent Corporation.

6.In view of the above facts and observing the fact that the transfer is an incident of service, I hereby dismiss the writ petition. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye Pass Road, Madurai.
2. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Melur Branch, Madurai.
3. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Ponmeni Branch, Madurai.



WEB COPY



W.P.(MD).No.31305 of 2023

L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.31305 of 2023
and W.M.P(MD)No.26841 of 2023**

31.01.2024