



WEB COPY



W.P. No.2377 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.2377 of 2024

and

W.M.P. Nos.2581 and 2583 of 2024

K.Perumal

Petitioner

Vs

1. Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
Rep. by its Managing Director,
No. 12, Ramakrishna Salai,
Salem -7.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Dharmapuri Region,
No. 9/53, Bharathipuram,
Salem Main Road,
Dharmapuri - 636705.

3.The Branch Manager,
Hosur Moffussil Branch,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Dharmapuri Region, Hosur,
Krishnagiri.

4. Rajarajan,

5. Srinivasan,



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6. Mohammed Umarudden,

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the Order dated 25.01.2024 passed by 2nd Respondent in No. PaNi.4/8466/TNSTC/DHAPURI/2024 and the relieving order dated 26.01.2024 passed by 3rd respondent in No. E1/HM Branch/TNSTC(Salem)/2024, relieving the petitioner from Hosur Moffussil Branch w.e.f 26.01.2024, Quash the same and consequently direct the Respondents to retain the petitioner at and restore the petitioner to Hosur Moffussil Branch, award costs.

For petitioner : Ms.V. Porkodi

For respondents : Mr.K. Raja

Standing Counsel for RR1 to 3

ORDER

This writ petition has been filed to call for the records pertaining to the Order dated 25.01.2024 passed by 2nd Respondent in No. PaNi.4/8466/TNSTC/DHAPURI/2024 and the relieving order dated 26.01.2024 passed by 3rd respondent in No. E1/HM Branch/TNSTC(Salem)/2024, thereby the petitioner was relieved from Hosur Mofussil Branch w.e.f 26.01.2024 and quash the same and consequently direct the respondents to retain the petitioner in Hosur Mofussil Branch as well as sought costs.



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2. It is the case of the petitioner that he joined the Tamil Nadu State Transport Corporation as a Reserve Driver on 12.12.2008 and was regularised in service in the year 2012 . He was transferred on a one-way basis to the Dharmapuri Region in 2021 and recently posted at Hosur Mofussil Branch on 17.11.2023. While so, on 09.01.2024, raising various demands, the unions went on strike. During the union strike period, a Public Interest Litigation in W.P. No.858 of 2024 was disposed of after the unions agreed to suspend the strike. Subsequently, a union member was transferred for participating in the strike, which was stayed by this Court in W.P. No.1493 of 2024. The said interim stay order was displayed in the notice board by him. Thereafter, he was issued with the impugned transfer order dated 25.01.2024, transferring him within two months of his earlier posting, without any administrative necessity. Hence, this writ petition has been filing seeking the aforesaid relief.

3. The learned counsel for the petitioner submitted that the petitioner was working as a Driver in Hosur Mofussil Depot and he participated in the strike and regarding the strike, there was an issue before this Court, in which, the respondent Corporation has undertaken that no punishment will be imposed against the persons, who participated in the strike and, despite the said undertaking before the Division Bench of this Court, the petitioner was



transferred from Hosur Mofussil Depot to Thiruppathur Depot vide impugned transfer order dated 25.01.2024. Challenging the same, the present writ petition is filed.

4. He further submitted that the power of transfer is available to respondent in terms of 28 of the Certified Standing Orders however, such a power was taken away by the order of the Labour Court in Standing Order Appeal No.4 of 1995 dated 01.04.2022. He would further submit that since the Standing Order No.28 is deleted, there is no power available to the Transport Corporation for transferring the employees from one Depot to another Depot and hence, he would request that this Court may set aside the impugned transfer order and allow the writ petition.

5. The learned Standing Counsel appearing for the respondents submitted that the transfer order is inherent power of the Transport Corporation thereby, the transfer order was passed and that too, the place of transfer is within 25 kilometres hence, there is no difficulties to the petitioner. He would further submit that the transfer order is not a punishment and, it is only passed on the administrative grounds. Therefore, he submitted that the impugned order is sustainable and any interference is unwarranted.



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6. This Court has carefully considered the submissions made and perused the materials available on record.

7. Further, it is seen that though the writ petition is pending from the year 2024, the respondents have not chosen to file any counter affidavit disputing the factual or legal contentions raised by the petitioner. Considering the pendency of the writ petition as well as submissions made by learned counsel on either side, this Court disposes of this writ petition.

8. Admittedly, the petitioner is employed as a Reserve Driver in Hosur Mofusil Depot. According to the petitioner, for participation of the strike, he was transferred from Hosur Mofusil Depot to Thiruppathur Depot. However, the power available for transfer from one place to another place is available only in terms Certified Standing Order No.28 and the same is deleted in Standing Order Appeal No.4 of 1995 dated 01.04.2022 on the file Principal Labour Court, Chennai.

9. In view of the deletion and further there is a similar order passed in W.A.No.2751 of 2025, this writ petition is allowed and the impugned order



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dated 25.01.2024 issued by the 2nd respondent and the consequential orders are set aside. However, liberty is granted to the respondents to proceed the matter in accordance with law, if the certified standing order is restored. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

vsi2

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
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Salem -7.

2.The General Manager,
Tamil Nadu State Transport Corporation
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