



WEB COPY



W.P.No.25435 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.25435 of 2025

And

W.M.P.Nos.28596 and 28598 of 2025

N.Sasikumar

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.

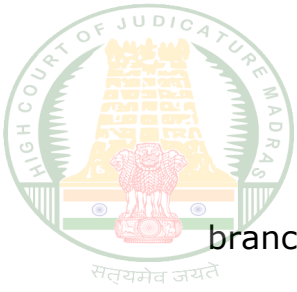
2.The General Manager,

Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region,
Chennimalai Road,
Erode – 638 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records of the transfer order in Ka.En.386/P1/PAPII/thaahpoga/co/eema/25 dated 04.06.2025 issued by second respondent made in pursuance of charge memo No.1/D11/264/Sattam/thaahpoga/eema/2025 dated 06.05.2025 and quash the same and subsequently direct the respondents to pay the full back wages for the temporary suspension period and also reinstate petitioner to continue to work in Kodumudi



W.P.No.25435 of 2025

branch.

WEB COPY

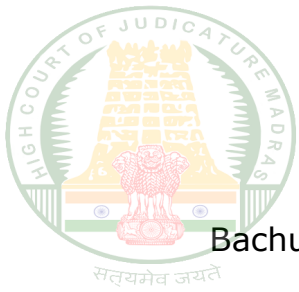
For Petitioner : Mr.S.Tamilselvan
For Respondents : Mr.M.Murali Vinodh
Standing Counsel

ORDER

Mr.M.Murali Vinodh, learned Standing Counsel takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The writ petition has been filed seeking to quash the transfer order dated 04.06.2025 issued by second respondent in pursuance of the charge memo dated 06.05.2025 and to subsequently direct the respondents to pay full back wages for the temporary suspension period and also to reinstate petitioner to continue to work in Kodumudi branch.

3.The learned counsel appearing for the petitioner would submit that on 06.05.2025, when the petitioner went to the depot for duty, as routine procedure he was subjected to breath analyser test and it was found that the petitioner had consumed alcohol. However, without following proper procedure as held by the Hon'ble Supreme Court in



W.P.No.25435 of 2025

Bachubhai Hassanalli Karyani Vs. State of Maharashtra [1971 (3) SCC 930] and as per the Patna High Court in Criminal Writ No.1430 of 2024 dated 13.02.2025 [Narendra Kumar Ram Vs. The State of Bihar and 5 others], the respondent has simply transferred the petitioner from Kodumudi branch to Kavindapadi branch. It is the submission of the petitioner that the respondents did not follow the required procedure in conducting breath analyser test. Therefore, the transfer is vindictive and punitive.

4.The learned Standing Counsel appearing for the respondents would submit that the transfer is only on administrative grounds and would further submit that this is the second transfer in the petitioner's career of 11 years. Any issue in respect of breath analyser test would be dealt separately. Therefore there is no need to interfere with the impugned transfer.

5.I have given my anxious consideration to either side submissions.

6.While looking at the submissions of the learned counsel appearing for the petitioner, it is seen that there was breath analyser



W.P.No.25435 of 2025

test on 06.05.2025, whereas, transfer was effected on 04.06.2025 after a period of one month. Therefore, this Court could not find any nexus between the breath analyser test and transfer. While looking at the transfer order, it was done only on administrative ground. Whenever the authority is ordering transfer, unless it is stated to be malafide, it does not warrant judicial review. This Court does not find any malafide in the transfer order. Hence this Court does not find any merit in the writ petition.

7.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner has already given representation on 07.07.2025. If any such representation is received, the respondents are directed to consider the above representation of the petitioner, upon its own merits and in accordance with law and pass orders, as expeditiously as possible.

8.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2025

pri
Index: Yes/ No
Speaking Order: Yes/ No

4/6



W.P.No.25435 of 2025

NCC: Yes/ No

WEB COPY

To

- 1.The Managing Director
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region,
Chennimalai Road,
Erode – 638 001.



WEB COPY



W.P.No.25435 of 2025

C.KUMARAPPAN,J.
pri

W.P.No.25435 of 2025
And
W.M.P.Nos.28596 and
28598 of 2025

15.07.2025



WEB COPY



W.P.No.25435 of 2025