



W.P(MD)No.12039 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.12039 of 2021 and
WMP(MD) Nos.9485 & 9486 of 2021

M.Raja Mahendran.M

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2.The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Thiruparnakundram,
Madurai District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Byepass Rd,
Collectorate Post, Dindigul.

4.The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Odanchathriam Branch,
Dindigul District.

...Respondents



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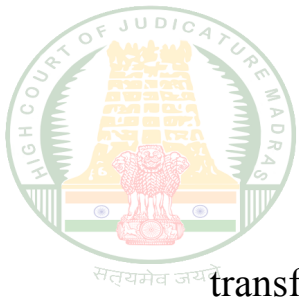
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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified mandamus, calling for the records relating to the impugned transfer order passed by the 1st respondent in his proceedings in Ref 86/CA2/HRD/TNSTC/MDU/2021 dated 28.06.2021 and the consequential order passed by the 2nd respondent in his proceedings Thee.Pa.Ku.18 dated 29.06.2021, and quash the same as illegal and consequently direct the respondents to retain the petitioner in the 2nd respondent Branch.

For Petitioner : Mr.K.Mahendran
For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

The petitioner was appointed as a Conductor (Reserved Crew) in the respondent Corporation on 31.11.2007 and his service was regularised on 05.03.2010. While he was working in Odanchathiram Branch of Dindigul Region, his daughter got admission in Thiagaraja Engineering College, Thirupparankundram at Madurai and therefore this petitioner has made a request for

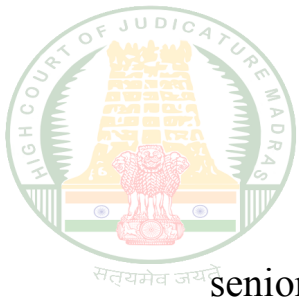


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transfer to Madurai Region on 14.12.2020, by giving an undertaking that he will forego his seniority. Considering his request, the Managing Director, Tamil Nadu State Transport Corporation, Dindigul Region has positively considered his representation and passed an order, transferring the petitioner from Dindigul Region to Madurai Region in his proceedings in Ref.350/ CA2/ HRD/ TNSTC/ MDU/2020, dated 14.12.2020 and he has been treated as junior most in Madurai Region, wherein, he was allowed to work till 28.06.2021. Thereafter on 28.06.2021, this petitioner was transferred from Madurai Region to Dindigul Region by the respondent Corporation, in its proceedings in 86/CA2/HRD/TNSTC/MDU/2021, dated 26.06.2021 without any reasons and the same is under challenge in this writ petition.

2.The learned counsel appearing for the petitioner submits that this petitioner has initially transferred from Dindigul Region to Madurai Region on 14.12.2020, based on his request and that too after considering his undertaking that he will forego his



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seniority at Madurai Region. As such, the petitioner was transferred and he was placed as junior most at Madurai Region. Now, without any reasons, he has been again transferred to Dindigul Region, within a period of six months. Therefore, the order of transfer is liable to be set aside.

3.The learned Standing Counsel appearing for the respondent Corporation submits that at that relevant point of time, conductors at Madurai Region were surplus and therefore, on administrative grounds and due to financial constraints, he was re-transferred to Dindigul Region. The learned Standing Counsel further submits that the present position has now been restored and there is no issue in retaining the petitioner in Madurai Region itself.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner, a Conductor has made a request for transfer from Dindigul Region to Madurai Region on the ground of his daughter's Education that she got admission in Thiyagarajar Engineering College, Madurai and the same was also positively considered by the Transport Corporation on 14.12.2020. Pursuant to the above transfer order, he has settled at Madurai along with his family members. Thereafter, on 28.06.2021, within a period of six months, he was once again transferred to Dindigul Region, without assigning any reasons. The fact remains that this petitioner has given up his seniority at Madurai Region. Now, the learned Standing Counsel submits that there is no issue in retaining the petitioner in Madurai Region itself.

6. Considering the manner in which, the transfer order has been passed within a short span of time and also considering the submission made by the learned Standing Counsel that this petitioner can be retained at Madurai, the impugned order of transfer in 86/CA2/HRD/TNSTC/MDU/2021 dated 28.06.2021 is hereby set



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aside. The respondent corporation is directed to accommodate the petitioner at Madurai Region. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.01.2025

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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