

(2018) 01 MAD CK 0259

In the Madras High Court

Case No : 21666 of 2017 and 17960 & 17961 of 2017

Govindaraj

APPELLANT

Vs

The General Manager (O&A) & Ors.

RESPONDENT

Date of Decision : 04-01-2018

Acts Referred:

Citation : (2018) 01 MAD CK 0259

Hon'ble Judges : G.R.Swaminathan

Bench : Single Bench

Advocate : V.Kannan, K.Sathyasingh

Final Decision : Dismissed

Judgement

1. The petitioner was appointed as a Driver cum Conductor in the respondent corporation. He was transferred to Trichy branch on 18.04.2016.

2. It was alleged that the writ petitioner had committed some misconduct. He was therefore suspended from service by order dated 17.08.2017.

He was however reinstated on 23.10.2017 and thereafter transferred from Trichy to Tanjore. This order is under challenge in this writ petition.

3. The learned counsel appearing for the writ petitioner placing reliance on the decision of this Court reported in 2016 (2) CWC 186

(S.Ramasamy v. The Director of Town Panchayats) contended that if an order of transfer is passed in lieu of punishment, the same is illegal and

liable to be set aside.

4. The learned standing counsel appearing for the respondents on the other hand relied on a subsequent decision of this Court dated 11.09.2017 in

WP(MD)No.17069 of 2017. This Court had held that in order to avoid prolonged suspension, an employee can be reinstated and transferred to

some other place. Therefore, the decision relied upon by the learned counsel appearing for the writ petitioner is clearly distinguishable. In the

present case, the transfer was not in lieu of punishment, but only to avoid suspension. Further, the writ petitioner has after all been transferred from

Trichy to Tanjore. The distance between the two is a mere 50 Kilometers. I find no infirmity in the impugned order of transfer.

5. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.