



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.4311 of 2015

WEB COPY

S.Kumaresan

... Petitioner

-vs-

The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited, Dindigul Division,
Bye-Pass Road, Dindigul.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent herein to transfer the petitioner from Bodi Branch to Batlagundu Branch on mercy and humanitarian grounds on the basis of the representation give by the petitioner dated 06.03.2015 within the time stipulated by this Honble Court.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.A.Jeyaram

Standing Counsel

O R D E R

The writ petition has been filed, seeking to direct the respondent herein to transfer the petitioner from Bodi Branch to Batlagundu Branch on mercy and humanitarian grounds on the basis of the representation give by the petitioner dated 06.03.2015

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

3. The case of the petitioner is that he was appointed as Assistant on 01.01.1995 under the respondent Corporation; that during 2011, while he was working at Batlagundu Branch, the Manager of the said Branch orally informed him to report for duty at Periyakulam Branch instead of giving in writing; that the petitioner filed a writ petition in W.P.(MD) No.10573 of 2011, which was dismissed on 11.04.2011; that thereafter, he reported for work at Periyakulam Branch and on 05.07.2012, he was again transferred from Periyakulam Branch to Bodi Division in the guise of administrative reasons; that the daughter of the petitioner is studying in 12th standard, his son in 4th standard in Batlagundu and his wife is a Tamil Teacher employed at Government Higher Secondary School at Pannaikadu; that his father, who used to take service on leave for his children expired due to cancer and his mother also predeceased his father; that the petitioner, explaining all the family circumstances and situation, submitted a detailed



representation dated 06.03.2015 to the respondent for considering his request on humanitarian grounds and since the representation did not evoke any response, this writ petition has been filed.

4. Learned counsel for the petitioner would submit that the petitioner was admitted in the Apollo Hospital, Madurai on 19.07.2015 on account of acute onset neurological illness and was later diagnosed by the Doctor that there was a mild discomfort over left upper limbs (stroke) on the petitioner, which resulted in the petitioner's immobility. In support of the same, the learned counsel for the petitioner has produced the discharge summary issued by the Apollo Hospital. Therefore, it is pleaded that the petitioner's representation may be directed to be considered on medical ground also.

5. Learned Standing counsel appearing for the respondent would contend that though the transfer is on administrative reason, considering the present situation of the petitioner, the respondent is prepared to consider the representation of the petitioner suitably.

6. Normally, this Court will not interfere in matters relating to transfers, and the jurisdiction of this Court in such cases is very limited. However, considering the plight and circumstances put forth by the petitioner, the respondent is directed to consider the representation dated 06.03.2015 of the petitioner both on humanitarian and medical grounds and to pass suitable orders thereon on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To:
The General Manager, Tamil Nadu State Transport Corporation,
Madurai Limited, Dindigul Division, Bye-Pass Road, Dindigul.

+1CC to M/S. J.Lawrance, Advocate, SR.No. 58389

W.P (MD) No.4311 of 2015

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