

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.572 of 2017
in
CMP No.8107 of 2017

V.M.Ebenezer ...Appellant/Petitioner

vs.

1. The Director,
Directorate of Employment and Training Department,
Guindy, Chennai-600 032.
2. The Deputy Director
Handicrafts Training,
Employment and Training Department
Guindy, Chennai - 600 032. ...Respondents/Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 06.04.2017 passed in W.P.No.8234 of 2017 on the file of this court.

Prayer in W.P.No.8234 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, Calling for the records in the impugned order passed by the 2nd Respondent in Na.Ka. No 5893/PA4/2016 dated 15.02.2017 followed by the Relieving order in Na.Ka. No 5893/PA4/2016 dated 28.02.2017 issued by the 1st Respondent and quash the same.

For appellant : Mr.S.R.Rajagopal for
Mr.S.Veeraraghavan
For respondents : Mrs.A.Srijayanthi,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mrs.A.Srijayanthi, learned Special Government, who takes notice on behalf of respondents.

2. It appears that the appellant/writ petitioner seeks to challenge his transfer order mainly on two grounds, one being he

underwent piles operation and another being he developed knee pain, having sustained injury on his knee among other several grounds such as the transfer order is issued with mala fide intention and without even sufficient time to join the duty at the transferred place.

3. On going through the medical reports and other documents, we are of the view that though he may need some rest after the surgery he underwent considering the age factor and the fact that he had sustained some injury on his knee, those things cannot be taken as grounds for avoid transfer. We do not find any reason to interfere with the order of the learned Single Judge. Utmost, we are of the view that the petitioner can go and report to duty and thereafter, based on his medical records, seek for some medical leave and in such event, it is for the authority concerned to consider the same and grant him one month or two months medical leave in accordance with law.

4. The writ appeal is disposed of accordingly. The appellant shall report to duty at the transferred place within 15 days time from the date of receipt of copy of this judgment. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Director,
Directorate of Employment and Training
Department,
Guindy, Chennai-600 032.

2. The Deputy Director
Handicrafts Training,
Employment and Training Department
Guindy, Chennai - 600 032.

+1 CC to Mr.S. Veeraraghavan, Advocate sr 39890
+1 CC to Govt. Pleader sr 40060

W.A.No.572 of 2017

VGII(CO)
sp(04/07/2017)