

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**

WEB COPY

Writ Petition (MD).No.18689 of 2018

G.Giridharan

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2. The Branch Manager,
Tamil Nadu State Road Transport Corporation,
(Kumbakonam) Limited,
Thanjavur Town 2nd Depot,
Thanjavur.

... Respondents

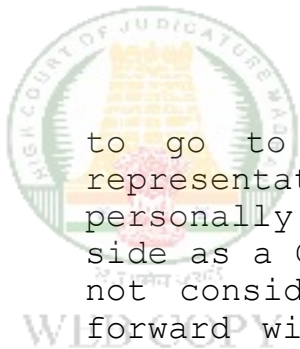
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to transfer the petitioner to the administrative side as a clerk from technical side, on the basis of his representation dated 06.10.2016 and 09.08.2018 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
for M/s.Veera Associates
For Respondents : Mr.D.Sivaraman
Standing counsel for TNSTC

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to transfer the petitioner to the administrative side as a clerk from technical side, on the basis of his representation, dated 06.10.2016 and 09.08.2018.

2. The petitioner was appointed as a Driver in the respondent Corporation on 14.02.2009. During the course of his employment, he met with an accident on 07.01.2010 and his left leg was amputated. Thereafter, alternate job of Helper was given to him and he was working as Helper in the technical side and that there is a disparity with regard to pay fixation. Due to amputation of his left leg, he is not in a position to do the present job. Hence, he wants



to go to the administrative side and for that, he has given representations on 06.10.2016 and 09.08.2018 and he made a request personally to the respondents to transfer him to the administrative side as a Clerk on par with other employees. But the respondents did not consider the same till date. Hence, the petitioner has come forward with the present writ petition seeking for the aforesaid prayer.

3. Mr.D.Sivaraman, learned Standing counsel appearing for the respondents vehemently contended that the petitioner cannot seek transfer as a matter of right and it is true that he met with an accident and his left leg was amputated and there is no disparity in the pay being drawn by him. He further submitted that in technical side, there is a revision of promotion for upgradation once in eight years periodically and that the same is not available in the administrative side and that the promotion would be based on the vacancy.

4. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is not interested in getting promotion and that he will not claim any parity on par with other persons, who are going to be promoted on the technical side and he has also given an undertaking to that effect.

5. Taking note of the submissions of both parties and also considering the fact that the petitioner has given an undertaking that he will not claim any promotion on par with other persons falling under the technical side, this Court directs the respondents to consider the representation of the petitioner dated 09.08.2018 and pass necessary orders thereon, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law, provided an undertaking is given by the petitioner that in case, subject to availability of vacancy, technical side post is given to him in the administrative side, he should not thereafter contend that he should be treated on par with other juniors, who got promotion in the technical side and that he should be paid the same benefits.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS-I)



To

1. The General Manager,
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(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2. The Branch Manager,
Tamil Nadu State Road Transport Corporation,
(Kumbakonam) Limited,
Thanjavur Town 2nd Depot,
Thanjavur.

+1 CC To MR.VEERA. ASSO., Advocate SR. NO.80933

+1 CC To MR.D.SIVARAMAN, Advocate SR. NO. 81118

Writ Petition (MD).No.18689 of 2018

28.08.2018

AKV

TR/SV/SAR-I (08.11.2018) 3P 5C