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W.P.No.25740 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.25740 of 2022
and
W.M.P.Nos.24799 and 24801 of 2022

R.Sankar

... Petitioner

Vs.

1.The Management,
Rep. by its Managing Director,
Tamil Nadu Transport Corporation (Villupuram) Ltd.,
Villupuram - 605 602.

2.The Management,
Rep. by its General Manager,
Tamil Nadu Transport Corporation (Villupuram) Ltd.,
Villupuram - 605 602.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent by the proceedings in Ka.Ku.No.25/0169/Ne1/Tha.Na.APoKa(Vilu)/2019 dated 31.05.2022 and consequential order passed by the second respondent in proceedings No.Ka.Ku.No.217/1217/T4/Tha.Na.Apo Ka(Vilu)/2022 dated 23.08.2022 and quash the same and direct the respondents to permit the petitioner to continue in Puducherry Branch or transfer the petitioner to any other branch



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near to Tindivanam.

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For Petitioner : Mr.K.Arunagiri

For Respondents : Mr.R.Venkatesa Perumal - TNSTC

ORDER

This Writ Petition has been filed challenging the impugned transfer orders, transferring the petitioner from Pondicherry to Kallakurichi.

2. The petitioner claims that it is a punitive and a vindictive transfer. According to him, within a span of the last one and a half years, he has been transferred on three occasions. The petitioner also claims that he is having an aged father at Tindivanam, a town near Pondicherry, who is undergoing Kidney dialysis.

3. However, a Counter Affidavit has been filed by the respondents, denying the same. They would state that only for administrative reasons, the petitioner has been transferred from Pondicherry to Kallakurichi. They would also state that the first transfer order issued to the petitioner was on account of his promotion.



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4. On the last hearing date, this Court directed the learned Standing Counsel appearing for the respondents to get instructions as to whether there is any vacancy in Tindivanam / Villupuram, where the petitioner was willing to be posted in order to enable him to take care of his father, who is undergoing Kidney dialysis.

5. Today, learned Standing Counsel appearing for the respondents on instructions would submit that, as on date there is no vacancy for the post of foremen in Tindivanam / Villupuram. However, the same is disputed by the learned counsel for the petitioner who would submit that there are vacancies in Tindivanam / Villupuram.

6. In view of the fact that the petitioner has filed along with this Writ Petition the medical certificates to confirm that the petitioner's father is undergoing Kidney dialysis, this Court is of the considered view that the petitioner's request for being transferred to a place nearby Tindivanam is a genuine one.



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7. In the normal circumstances, this Court would not have entertained this Writ Petition, but, in view of the fact that the petitioner has been transferred on three occasions within a span of one and a half years, this Court will have to grant some relief to the petitioner that too when his father is, admittedly, undergoing Kidney dialysis as per the medical certificates filed along with this Writ Petition.

8. The distance between Tindivanam, which is the petitioner's home town and Kallakurichi, the place of transfer under the impugned transfer orders is approximately One Hundred and ten Kilometers. If the petitioner is accommodated at Villupuram or at Tindivanam, the petitioner will be able to assist his father, who is undergoing Kidney dialysis. Since the respondents have contended before this Court that as on date there are no vacancies either at Tindivanam or at Villupuram, the petitioner will have to necessarily join the place of transfer as per the impugned transfer orders at Kallakurichi and shall wait for the time when there arises a vacancy either at Villupuram or at Pondicherry or at Tindivanam.



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9. For the foregoing reasons, this Writ Petition is disposed of by not interfering with the impugned orders but instead direct the petitioner to join duty at Kallakurichi as per the impugned transfer orders, within a period of one week from the date of receipt of a copy of this order. The respondents are directed to permit the petitioner to join duty at Kallakurichi. After joining the duty at Kallakurichi, the respondents shall accommodate the petitioner either at Tindivanam / Villupuram / Pondicherry, immediately as and when any vacancy arises in either of the said places for the post of foremen.

10. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

25.11.2022

Index : Yes/No
Speaking Order : Yes / No
ab



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To

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ABDUL QUDDHOSE. J.,

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