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W.P.No.27847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27847 of 2023

and

W.M.P.No.27341 of 2023

A.T.Manoharan

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation Ltd.,
Represented by its Managing Director,
(Salem Division), Head Office,
Ramakrishnan Salai,
Salem – 636 007.

2.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
(Salem Division), Head Office,
Ramakrishna Salai,
Salem – 636 007.

3.The Assistant Manager (Personnel),
Tamil Nadu Transport Corporation Ltd.,
(Salem Division), Salem District – 636 007.

4.The Branch Manager,
Tamil Nadu Transport Corporation Ltd.,
(Salem Division), Tharamangalam Branch,
Salem District – 636 502.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorarified Mandamus to call for the entire



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records relating to the Impugned order of Transfer Vide impugned order of Transfer issued by the 3rd respondent in NO.E2/ 820 /TNSTC (Salem) / 2023 dt 23.08.2023 served on 01.09.2023 and quash the same and consequently direct the respondents to consider the petitioner's representation dt. 09.09.2023 for providing an alternative employment to the petitioner taking note of health issues of the petitioner.

For Petitioner : Mr.E.Balamurugan

For Respondents : Mr.K.Raja

ORDER

This writ petition has been filed challenging the order of the 3rd respondent, dated 23.08.2023, transferring the petitioner from Tharamangalam Branch to Namakkal-I Branch.

2.It is the case of the petitioner that he was working as Driver in Tharamangalam Branch under the respondent Corporation. It is the further case of the petitioner that he had met with an accident, due to which, he has sustained severe injuries and is suffering from Cervical Spine/Neck Pain for the past one year. While so, the 3rd respondent has issued the impugned order transferring the petitioner from Tharamangalam Branch to Namakkal Branch, which is put to challenge in this writ



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petition.

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3.It is the contention of the learned counsel for the petitioner that the petitioner is not in a position to drive the vehicle due to the injuries on his Spinal Cord. Therefore, it is his contention that, as per Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act 1 of 1996), the petitioner should be given an alternative job with same scale of pay and protection.

4.Heard the learned counsel for the petitioner and Mr.K.Raja, learned counsel, who takes notice for the respondents.

5.On a perusal of the impugned order, it is seen that the petitioner has been transferred only based on administrative grounds. If at all the petitioner is really facing medical issues and is not in a position to continue his job as a Driver and seeks for any other alternative job rather than being transferred and posted to some other place as Driver, the same has to be decided by the respondents only on the basis of the report of the Medical Board, that too, only when the petitioner subjects himself to medical examination before the Medical Board. In such view of the



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matter, at this stage, the impugned transfer cannot be stalled. However, if the petitioner is able to show that he is medically unfit to continue in his present job and wants an alternative job, let the respondents consider the same in tune with the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act 1 of 1996).

6. With the above observations, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

mkn

Note to Registry :
Issue order copy on or before 29.09.2023.

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(Salem Division), Head Office,
Ramakrishnan Salai,
Salem – 636 007.



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3.The Assistant Manager (Personnel),
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4.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
(Salem Division), Tharamangalam Branch,
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N. SATHISH KUMAR, J.
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