



W.P.(MD).No.1465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.1465 of 2023

and

W.M.P.(MD).Nos.1340 and 1342 of 2023

K.Bhoopathy

... Petitioner

Vs.

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

2.The Branch Manager,
Tamil Nadu State Transport Corporation (TNSTC),
Thanjavur Town II,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the first respondent in his proceedings in Ku.AaNo:01-2/Papi-E3/TNSTC(kumba)/2023 dated 07.01.2023 which was served on the petitioner on 21.01.2023 only and quash the same and consequently directing the respondents to permit the petitioner to continue as a Driver at Thanjavur Town II.



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For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel.

ORDER

This Writ Petition is filed challenging the transfer order.

2. The petitioner was transferred from Thanjavur Town Branch II to Kumbakonam Rural. The claim of the petitioner is that he has two young children, aged parents and his matrimonial is also not conducive, his wife deserted him and he is only the responsible person for taking care of his children as well as his aged parents. Therefore, the petitioner's claim is that his present transfer order may be reconsidered.

3. The learned Standing Counsel appearing for the respondents submitted that the petitioner was transferred from Thanjavur to Kumbakonam, which is nearby place.

4. However, the petitioner submits that Kumbakonam Rural is far away. Moreover, in the rural area, the duty period is 24 hours and in the town, it is only 8 hours duty. Therefore, the petitioner's claim is to consider the transfer order by taking into account the nature of work and his family circumstances.



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5. After hearing both the counsels, this Court is inclined to accept the claim of the petitioner as a special case. Hence, the transfer order is quashed and the respondents shall retain the petitioner in Thanjavur District. The respondents may consider the petitioner's case and his family circumstances and transfer him to the nearby place.

6. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

7. This order cannot be cited as a precedent in any other transfer matter because it has to be considered only for the petitioner's case alone.

25.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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