



W.P.(MD)No.2033 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2033 of 2023

and

W.M.P.(MD)Nos.1810 and 1814 of 2023

M.Sundarajan

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
New Railway Station Road,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Trichy.

3. The Divisional Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Perambalur Region, Trichy.

4. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Trichy Mofussil Branch.

.... Respondents



W.P.(MD)No.2033 of 2023

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of transfer passed by the first respondent herein in Ref.No.THAAAPOKA/TRICHY/PAPE/P3/1046/2023 dated 13.01.2023 and consequential impugned relieving order dated 23.01.2023 issued by the fourth respondent herein and to quash the same.

For Petitioner : Mr.S.Govindan
for A.Balaji

For Respondents : Mr.K.Jagadees Balan

ORDER

This Writ Petition has been filed to call for the records of the impugned transfer order passed by the first respondent vide proceedings in Ref.No.THAAAPOKA/TRICHY/PAPE/P3/1046/2023, dated 13.01.2023 and consequential impugned relieving order, dated 23.01.2023 issued by the fourth respondent and quash the same.

2. The case of the petitioner is that the petitioner was initially appointed as Driver in the second respondent Office in the year 2008 and thereafter, he was made permanent in the year 2009 and he was also granted



W.P.(MD)No.2033 of 2023

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Selection Grade. The petitioner had been allotted duty to ply bus between Trichy and Salem. On 12.01.2023, in the usual manner, he had completed his 1st trip from Trichy to Salem and on his return from Salem to Trichy, due to technical defects, an accident had taken place. The petitioner sustained grievous injuries and he was admitted in the Private Hospital and discharged on 14.01.2023. Further, the Doctor advised him to take rest and as such, he had applied medical leave from the date of accident. While so, when the petitioner's medical leave application was pending, the first respondent has passed the impugned transfer order dated 13.01.2023, transferring the petitioner from Trichy Mofussil to Perambalur. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an injured person and his son is also a disabled person with 60% disability and he has to take care of him and as per G.O.(Ms).No. 107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020, the petitioner is entitled to be considered to transfer nearby his native on the ground that the petitioner's son is physically challenged



W.P.(MD)No.2033 of 2023

person. Hence, this Court may permit the petitioner to report for duty at the transferred place of Perambalur and also grant liberty to the petitioner to make a fresh representation to the respondents for re-transferring him from Perambalur to the place nearby his native place, i.e., Thottiam, since the petitioner has physically challenged son. Accordingly, he prayed for appropriate orders.

4. The learned counsel appearing for the respondents would submit that the said G.O is applicable only to the Government servant and not to the Transport Corporation. Further, the petitioner was working in the Transport Corporation as a Selection Grade Driver and he is working in the said place for 13 years and his native place is nearby Thottiam. The distance between the residence and the transferred place is within 70 kms. He further submitted that the impugned transfer order is purely on administrative grounds and hence, the impugned order of transfer cannot be interfered with. Hence, he prayed for dismissal of this Writ Petition.



W.P.(MD)No.2033 of 2023

WEB COPY

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court without interfering with the order impugned in the Writ Petition, directs the petitioner to report for duty at the transferred place of Perambalur and after reporting duty, liberty is granted to the petitioner to make a fresh representation to the respondents for re-transferring him from Perambalur to the place closure to his native place, i.e., Thottiam. On receipt of such representation, the respondents shall pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of such representation.

6. With the above directions, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.(MD)No.2033 of 2023

WEB COPY

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W.P.(MD)No.2033 of 2023

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