



W.P.(MD)No.29247 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.29247 of 2022
and
W.M.P.(MD)No.23203 of 2022**

S.Jeyakumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Trichy Region,
Trichy.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Ariyalur Branch,
Ariyalur.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the second respondent in ThaAa.Po.Ka/Trichy/Pa.P3/1033/2022 dated 07.12.2022 and as that of the order passed in Tha.A.PO.KA/Branch Ariya/F1/820/2022 dated 14.12.2022, by the third respondent, quash the same as illegal and consequently, directing the respondents herein to permit the petitioner to discharge the petitioner's duty as Driver in Musiri Branch, Tamil Nadu State Transport Corporation (Kumbakonam Limited), Kumbakonam, Karur Region.

For Petitioner : Mr.D.Anbarasu
For Respondents : Mr.K.Jagadees Balan
Standing Counsel

ORDER

This Writ Petition has been filed to call for the records of the impugned orders passed by the second respondent in ThaAa.Po.Ka/Trichy/Pa.P3/1033/2022 dated 07.12.2022 and Tha.A.PO.KA/Branch Ariya/F1/820/2022 dated 14.12.2022, by the third respondent, quash the same and consequently, direct the respondents herein to permit the petitioner to discharge his duty as Driver in Musiri Branch, Tamil Nadu State Transport Corporation (Kumbakonam Limited), Kumbakonam, Karur Region.



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2. The case of the petitioner is that the petitioner is a native of Musiri and he is working as a Driver in the Transport Corporation, Musiri Branch, Karur Region. Without any valid reason, the first respondent has passed the impugned order, dated 26.08.2022, transferring the petitioner from Musiri Branch, Karur Region to Ariyalur Branch, Trichy Region on administrative reasons. Challenging the transfer order, the petitioner has filed a Writ Petition in W.P.(MD)No.20466 of 2022. This Court, by order dated 30.08.2022, called upon the petitioner to report for duty at the transferred place pursuant to the impugned order, dated 26.08.2022. Simultaneously, the petitioner was also granted liberty to make a representation to the first respondent herein, seeking for transfer to an alternative place, which is closure to the present place of his duty and on receipt of such representation, the first respondent herein shall pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of such representation, pursuant to which, the second respondent has passed the impugned transfer order dated 07.12.2022, transferring the petitioner from Ariyalur to Perambalur. Challenging the same, the present Writ Petition.



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3. The learned counsel appearing for the petitioner would submit that 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., Musiri, since the petitioner has attained 58 years and he is having two more years for his superannuation.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, 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., Musiri. 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.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.01.2023

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

vji

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