



WEB COPY



W.P.No. 2960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 2960 of 2024

P. Manoharan

... Petitioner

Vs.

**The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Limited,
No.37, Mettupalayam Road,
Coimbatore – 641 043.**

... Respondent

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 27.12.2023 seeking transfer to any branch at Erode preferably Erode Bus stand by considering his worst health condition and service experience.

For Petitioner : Mr. S.P. Vijay Nivas

For Respondent : Mr. C. Gauthamaraj

ORDER

Heard the learned counsel for the petitioner and perused the materials available on record.



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2. The case of the petitioner is that he is working as Driver in the respondent Corporation since 1997 at Erode E1 Banch. He have been served for more than 20 years in the respondent Corporation. The petitioner is suffering with Elephantiasis disease and his leg has lost its entire function. Hence, he requested the respondent for an alternative duty instead of heavy work like driving public carriage. Though the respondent has provided alternative employment, they transferred the petitioner to Chithode RC Unit for six months, thereafter, transferred to Gangeyam Branch for six months and Bhavanisagar Training School for three months, Pallipalayam RC Unit and Kodumudi Depot again Gangeyam Tyre Plant for six months and Darapuram Branch for one year and Palani Branch for one year. Thereafter, he was transferred to Udumalai Branch and he is working there for past four months and this is the third transfer in this year.

3. Learned counsel for the petitioner submits that though the petitioner was transferred on several occasions, he never challenged any of his transfer order passed by the respondent in past. Now, since the health condition of the petitioner has become worst and he would not walk even 100 meters in a day with his decoyed leg and as per the advice of the Doctor to be away with cold climates, the petitioner



submitted a representation to the respondent on 27.12.2023 seeking transfer to any branch at Erode preferably Erode Bust Stand duty, by considering his health condition and his prolonged service. But till date, the respondent did not consider the request of the petitioner. Against the inaction of the respondent in considering the representation dated 27.12.2023, the petitioner is constrained to file this writ petition.

4. Having heard the submissions of the learned counsel for the petitioner and on careful perusal of the materials available on record, it appears that the only relief sought in this writ petition is, with regard to non consideration of the petitioner's representation dated 27.12.2023 seeking transfer to any branch at Erode preferably Erode Bus Stand by considering his health condition.

5. Under these circumstances, in my view, it is appropriate to dispose of this writ petition at admission stage without keeping it pending for years together in the interest of justice. In view of the order to be passed in this case, it would not cause any prejudice to the respondent, notice to the respondent is dispensed with.

6. Under these circumstances, it is reasonable and desirable to dispose of



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this writ petition without going into the merits of the case with a direction to the respondent to consider the representation of the petitioner within the time stipulated to meet the interest of justice.

7. Accordingly, this writ petition is disposed of with a direction to the respondent to consider and pass appropriate orders on the representation dated 27.12.2023 submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8. There shall be no order as to costs.

09.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The Managing Director,
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BATTU DEVANAND, J.

AT

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