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W.P.No.37046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37046 of 2024

and

W.M.P.No.40024 of 2024

V. Manohar

...Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation, (Salem Zone)
No.12, Ramakrishna Salai,
Salem – 636 007.

2. The General Manager,
Tamilnadu State Transport Corporation,
Salem Division,
No.12, Ramakrishna Road, Salem – 7.

3. The Branch Manager,
Pallapatti Branch,
Tamilnadu State Transport Corporation,
Pallapatti, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records pertaining to the proceeding in E2/822/Tha.A-Poka(Salem)-2024 dated 23.08.2024 issued by the second respondent and quash the same and pass orders.



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For Petitioner : Mr.N. Vijaykumar
For Respondents : Mr.K. Raja
Standing counsel

ORDER

This Writ Petition has been filed to call the records pertaining to the proceeding in E2/822/Tha.A-Poka(Salem)-2024 dated 23.08.2024 issued by the second respondent and quash the same.

2. Mr.K.Raja, Standing Counsel takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as a Technician in 3rd Respondent depot. It is pertinent to note that the petitioner made several representation through the trade union regarding the issuance of safe boxes for keeping ticket bundle to the conductors, collection bags. Hence, in order to wreak vengeance the second respondent foisted a false charges against the petitioner and issued a charge memo in TNSTC/SLM/DS-8607/PMN051/D2-1411/2024 on



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16.08.2024 wherein, he was suspended for two days and another charge memo on 20.08.2024 in TNSTC/SLM/DS-8607/PMN051/D2-1411/2024. Thereafter, a transfer order was also issued in E2/822/Tha.A.Poka(Salem)-2024 dated 23.08.2024. But the fact remains that the petitioner has taken leave only after intimating to his superiors. However, the petitioner joined duty on 24.08.2024. When this being the case, the petitioner was returning to home some antisocial elements assaulted the petitioner and took mobile phone and cash from him. Hence, challenging the transfer order in E2/822/Tha.A.Poka(Salem)-2024 dated 23.08.2024 the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that the petitioner is at the verge of retirement and the respondents has unnecessarily made a transfer order, due to which the petitioner was travelling nearly 2 hours to reach the work place. He further submitted that however, the petitioner obeyed the transfer order and joined the duty. It is further submitted that the petitioner is suffering from severe health issues, hence, prays this Court to revoke the transfer order by allowing this petition.



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5. The learned Standing counsel appearing for the respondents submitted that due to administrative reasons only the petitioner has been transferred. However, they will consider the case of the petitioner and take action in the manner known to law.

6. Heard both sides and perused the materials available on record.

7. On perusal of the records it is seen that the petitioner has joined duty by complying with the directions given in the transfer order, which is the impugned order herein. Hence, the petitioner cannot challenge the impugned order at this stage. It is also found that the petitioner has given a representation to the respondents on 14.09.2024 in this regard.

8. In view of the above facts, this Court directs the petitioner to give a fresh representation to the respondents within a period of sixteen weeks from the date of receipt of a copy of this Order. After receipt of the representation, the respondents shall pass appropriate orders within a period of four week thereon. Before passing orders, the respondents are directed to consider the fact that the petitioner is in the verge of retirement



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and also take note of his health issues and post him in a suitable place.

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7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order
smn

To

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V.BHAVANI SUBBAROYAN,J.

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