



WP(MD). No.13419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.13419 of 2024
and WMP(MD) Nos.11831 and 11832 of 2024**

K.Manoharan

... Petitioner

Vs

1. The Joint Director of Handlooms,
O/o. the Director of Handlooms and Textiles,
Chennai - 18..

2. The Assistant Director of Ha,
Ndloom, O/o. the Handloom Assistant
Director, Hb 7 Sidco Factory,
Thiruppuvanam,
Thanjavur District..

3. The Registrar of Cooperative,
Societies, Handlooms Weavers
Cooperative Production,
Thanjavur,
Thanjavur District..

4. The Assistant Director / Executive Officer,
Thirubuvanam Silk Handloom Weavers
Cooperative Production
and Sale Society Limited,
No. Z.322, Thirubuvanam - 612 103..



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5. Kalyana Sundaram,
Selection Grade Assistant Dryer,
Thirubuvanam Silk Handloom Weavers
Cooperative Production and Sale Society Limited,
No.Z.322 Thirubuvanam,
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 transfer order dated 20.05.2024 insofar as the petitioner is concerned and consequently impugned order dated 11.06.2024 passed by the 4th respondent and quash the same as illegal and consequently for a direction directing for the respondent No.1 to 4 to permit the petitioner to work as Assistant Dryer in Dryer Section of the 4th respondent society within time stipulated by this Court.

For Petitioner : Mr.K.Dinesh
For Respondent : Mr.K.Selvaganesan
Addl. Government Pleader

ORDER

The petitioner has filed this writ petition challenging the approval order dated 20.05.2024 by transferring the petitioner from one branch, namely, dryer section to another branch, ie., sales section.



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2. Heard Mr.K.Dinesh, learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner has challenged the said order stating that the petitioner has been all along working as Assistant Dryer in the 4th respondent Society from 1994. The petitioner has submitted that he is going to retire in the forthcoming year and at this point of time, he has been transferred to sales section. He has further submitted that he is now aged 59 years and he has breathing trouble due to which he cannot work in the AC ventilated room, which would cause serious health issues.

4. The learned Additional Government Pleader submitted that the petitioner, who has been working in the dryer section could not make proper entries in the register, as he had developed shivering and the auditors, who audit the records, have also complained about the improper entries so made by the petitioner. In fact, the petitioner has also been called upon to offer his explanation for the same, for which, the petitioner has also given his explanation.



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5. The petitioner might have been working in a particular section for several years. When the petitioner could not raise up to the demands of the present day situation, due to any demand from the changing working environment or demands or due to the change of persons in the authority, the petitioner cannot claim a particular seat or position by stating that he had been working in the same seat for several years.

6. The learned counsel for the petitioner attracted the attention of this Court to the judgment of the High Court of Madhyapradesh held in ***Harbhajan Singh v. The State of Madhya Pradesh***, wherein, it is held that equitable opportunity should be given to the employees by the State and the State is to make available healthy and stress free working environment for a public servant.

7. In the instant case, the petitioner has not been transferred to any other remote place, instead, he has been transferred to another section in the same place. If the petitioner has got specific health condition, it is up to him to take appropriate treatment or submit voluntary retirement, if at all he is not able to perform the duties due to his deteriorating health



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condition. Instead of terminating the service of the petitioner as unfit due to his health condition, by taking into account his long service, the respondents chose to transfer him to some other section, that too, at a point where the entries made by the petitioner in the register are not clear and compatible to the demand of the day.

8. For all these reasons, I find no merits in this petition. Accordingly, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

24.06.2024

RR



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R.N.MANJULA,J

RR

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