

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2015

CORAM:

The Honourable Mr. Justice K.K. SASIDHARAN

W.P.No.3331 of 2014
& M.P.No.1 of 2014

G. Sampath Kumar

...Petitioner

- vs. -

The Management of Metropolitan
Transport Corporation (Chennai Limited)
Rep. by its Managing Director
Pallavan House
Anna Salai
Chennai-2.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to provide the petitioner alternative employment at near by his house and pay all arrears and other benefits with all consequential benefits from the date of denying employment till the date of providing alternative employment.

For Petitioner : Mr.R.Jaikumar
For Respondent : Mr.P. Paramasivados

ORDER

The petitioner was appointed on compassionate basis. Since he was affected by brain tumour with blood pressure, he was not in a position to undertake the job of Sweeper-cum-Server. The petitioner therefore submitted an application for alternative employment. However, there was no follow up action taken by the respondent. The petitioner is therefore before this Court.

2. The medical records produced by the petitioner shows that he was affected by brain tumour with blood pressure. The petitioner has been taking treatment for the last two years. The petitioner was present in Court during the course of hearing. He has come to Court with the help of his wife and son.

3. The learned counsel for the petitioner submitted that the petitioner earlier wanted alternative employment. Because of the

subsequent events relating to his deteriorating health condition, he is not in a position to do the work of Sweeper-cum-Server. The learned counsel submitted that interest of justice would be subserved in case a direction is issued to the respondent to consider appointing the son of the petitioner, as last grade employee of the Corporation.

4. The learned Standing Counsel for the respondent submitted that the petitioner was given compassionate appointment. The Corporation entertained a doubt as to whether the son of the petitioner could be appointed on compassionate basis taking into account his poor health condition, in which case it would be a second appointment on compassionate basis.

5. There is no dispute that the petitioner was affected by brain tumour with high blood pressure. The medical records substantiate the contention taken by the petitioner. Even if the petitioner is posted in any other post, still he would not be in a position to work. It would not be possible now to extract work from the petitioner due to his health condition. Therefore it would be in the interest of the Corporation also, to appoint the son of the petitioner to any of the posts taking into account his qualification. Therefore I am of the view that the respondent should take immediate action to consider appointment of the petitioner's son in the place of the petitioner. Such an act would help the family to survive.

6. The respondent is directed to take a decision to give appointment to the son of the petitioner in the place of the petitioner on account of his serious condition. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. Consequently, the connected MP is closed. No costs.

Tr/

-s/d-
सत्यमेव जयते

Assistant Registrar (CS-II)

Dt:20/2/2015

True Copy

Sub-Assistant Registrar

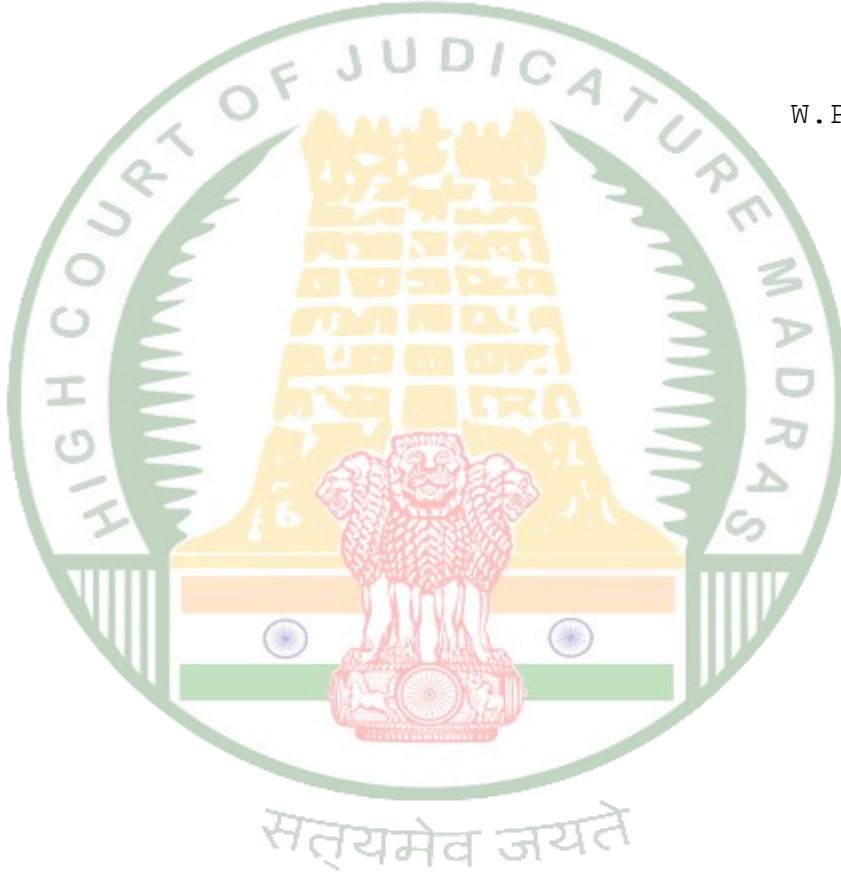
To

The Management Director,
The Management of Metropolitan
Transport Corporation (Chennai Limited)
Rep. by its Managing Director
Pallavan House
Anna Salai
Chennai-2.

+ 1 cc to Mr.P.Paramasivadosh, Advocate SR 7328

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