

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21689 of 2015

K.Periyasamy

... Petitioner

-Versus-

1. The Managing Director,
Tamil Nadu State Transport Corporation
[Salem] Ltd.,
Head Office,
Salem 636 007.
 2. The General Manager,
Tamil Nadu State Transport Corporation
[Salem] Ltd.,
Salem 636 007.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents to re-designate the post as Office Assistant under the working group of the Administrative Department from the present designated post of Helper (MHR) with all service benefits including review benefits considering the precarious continuous deterioration of petitioner health.

For petitioner : Ms.S.Girija

For respondents : Mr.R.K.Gandhi

ORDER

The petitioner was a Driver in the respondent Corporation. He was discharged by an order dated 13.10.2003 on the ground that he was not fit to work as a Driver, due to Irritable bowel syndrome.

2. He approached this Court and secured alternative employment with protection of pay. He was appointed as Helper with pay protection.

3. Now the grievance of the petitioner is that he shall be given alternative employment in the office as Record Clerk, Officer Attender, etc. According to him, other similarly situated persons were given such employment. Hence, this writ petition.

4. The report of the Medical Board is enclosed in the typed-set of papers. The report of the Medical Board states that the petitioner is not fit to do the work of Driver, due to Irritable bowel syndrome. It is useful to extract the following passage found in the report :

"It is a case of Irritable Bowel Syndrome. He used to pass frequent motion. So he may be exempted from Driver duty."

5. The Medical Board found that he could not discharge the duties of a Driver, since he has to go to toilet often, but he could not leave the Bus carrying the passengers for doing so.

6. Now, the petitioner is posted as Helper within the Depot. He could not demand that he shall be posted in the office, as Office Attender, Record Clerk, etc.

7. Taking into account the disability, I am of the view that no prejudice would be caused to him in continuing as Helper within the Depot. Hence, I am not inclined to accede to the request of the petitioner. Accordingly, the writ petition fails and the same is dismissed.

9. In the result, this writ petition is dismissed at the admission stage itself. No costs.

kmk/gg

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
[Salem] Ltd., Head Office,
Salem 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation
[Salem] Ltd., Salem 636 007.

+ 1 cc to Ms.S.Girija, Advocate SR 36956

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