

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 03-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23504 OF 2015

G.Pari

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Petitioner

-vs-

1.Tamil Nadu State Transport Corporation,
(Villupuram), rep.by its Managing Director,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram), Cuddalore Region,
Cuddalore.

...

Respondents

Writ Petition has been filed, praying for issuance of a writ of mandamus, directing the respondents to provide the petitioner forthwith suitable alternative employment in commensurate with his health condition and with continuity of service, pay protection, wages and other benefits with effect from 16.08.2013 and also give the petitioner third review with effect from 01.09.2013, with arrears and other consequential benefits.

For petitioner : Mr.V.Ajoy Khose

For respondents : Mr.P.Paramasivados.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would state that he joined the service of Tamil Nadu State Transport Corporation as a Driver on 09.04.1991 on daily wages and his service was regularised and made permanent and brought on time scale of pay, by an order, dated 04.07.1992, with effect from 01.04.1992. On 21.11.2012, he, at the instance of the respondents, was sent for medical check-up at IRT, Medical College and Hospital, Perungudi, where he was diagnosed with the symptoms of

heart ailment i.e., a block in his heart, and was recommended to take immediate medical attention.

3. The petitioner would further state that on 12.12.2012, he suffered heart attack and got admitted in Puducherry Government Hospital, where he underwent coronary angiography and adhoc PTCA. Since he was a diabetic, doctor advised him not to drive the heavy vehicles and avoid any medical complications. The second respondent also provided him the alternative employment on temporary basis and put him on parking duty in second shift for some time. Subsequently, he was asked to drive a break down van at least three days a week to bring the materials from the Head Office Stores and the respondents stopped giving him light duty with effect from 16.08.2013. He was once again put to medical check-up on 12.12.2013 in Puducherry Hospital and thereupon he was told unfit for the post of driver. On 31.10.2014, he was further directed by the respondents to appear before the medical board; accordingly, he appeared and was told by the doctors unfit for the post of Driver. Since the respondents did not send any communication regarding his request for alternative employment, the petitioner submitted an application/representation, dated 21.07.2015, to the first respondent, requesting him to provide a lighter duty in the light of his ill-health and since he has not been favoured with any response, he has come forward to file this Writ Petition.

4. Heard the submissions of Mr.V.Ajoy Khose, learned counsel for the petitioner; and Mr.P.Paramasivadosh, learned Standing Counsel, who accepted notice for the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, considering the facts and circumstances of the case, without going into the merits of the case, directs the first respondent to consider and dispose of the petitioner's representation, dated 21.07.2015, in accordance with law, and pass orders within a period of six weeks from the date of receipt of a copy of this order and, till then, the respondents are directed not to take any precipitative action with regard to the employment of the petitioner.

6. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/--
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram.

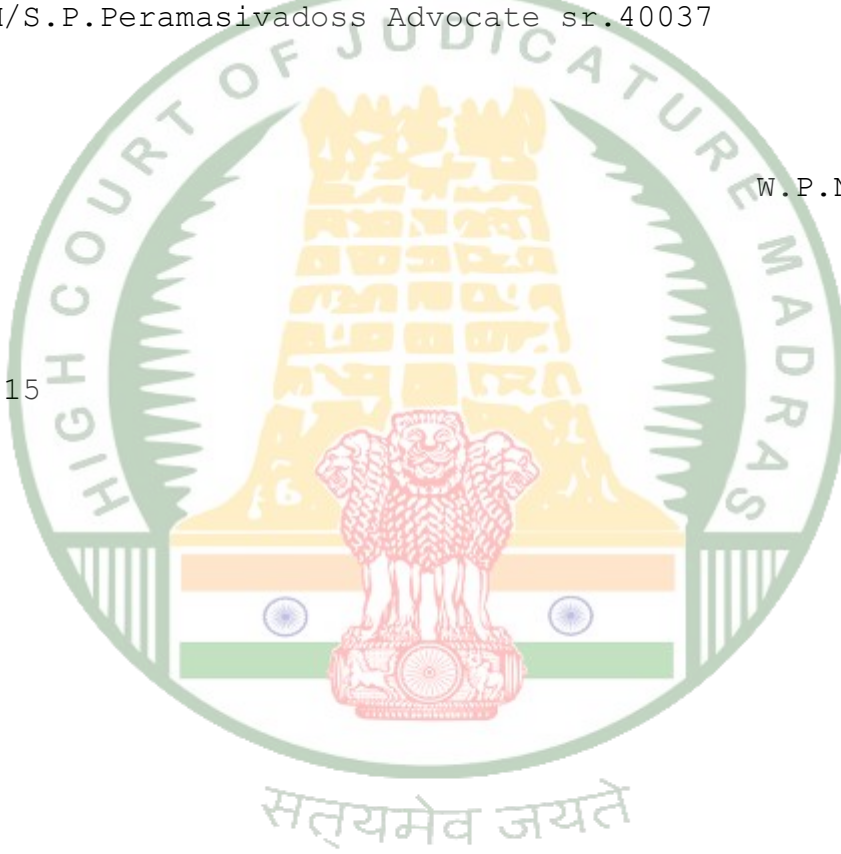
2.The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram), Cuddalore Region,
Cuddalore.

+1 cc to M/S.V.Ajoy Khose, Advocate sr.40004

+1 cc to M/S.P.Peramasisivadoss Advocate sr.40037

W.P.No.23504/2015

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