



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD) No.1817 of 2015

P.Ramar

... Petitioner

vs.

1.The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Karaikudi Region, 27 New Railway Station Road,
Kumbakonam.

2.The General Manager, Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,Karaikudi Region,
Maruthupathi Karaikudi

3.The Branch Manager, Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Madurai Branch Uthankudi Madurai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents to provide alternative light duty to the petitioner on permanent basis in the Madurai Branch of the first respondent Corporation with pay protection, other attendant benefits, continuity of service from 16.06.2014 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.D.Sivaraman for R1 & R2
Mr.A.P.Muthupandian for R3

O R D E R

Mr.D.Sivaraman, learned Standing counsel for the respondents Corporation, takes notice for the respondents 1 and 2 and Mr.A.P.Muthupandian, learned Standing counsel for the respondent Corporation, takes notice for the third respondent.

2. By consent, the writ petition is taken up for disposal.

3. The petitioner seeks for a mandamus directing the respondents to provide alternative light duty on permanent basis in the Madurai Branch of the first respondent Corporation with pay protection, other attendant benefits, continuity of service from 16.06.2014.



4. It is seen that the petitioner has undergone Bypass surgery on 14.04.2012 and in pursuant of the same, he was given a light duty as Helper. Subsequently the petitioner was transferred to Madurai Branch on his request, wherein also he is doing the duty of Helper. The petitioner contends that the present duty being performed by the petitioner is not light duty and therefore, he must be given an alternative employment. Seeking so, he made a representation on 05.08.2014 to the 1st and 2nd respondents.

5. Needless to say that already the petitioner's request was considered and given an alternative employment and if the petitioner contends that the alternative employment provided is not light duty, it is for the first respondent to consider the said request of the petitioner and pass orders on the same on merits and in accordance with law, as this Court is not expressing any view on the claim made by the petitioner as of now.

6. Mr.D.Sivaraman, learned counsel for the respondents 1 and 2, further submits that the petitioner is absented from duty for a long time and therefore, the petitioner may be directed to report duty immediately. Needless to say that if the petitioner's request is to be considered, he has to report duty without any further loss of time and only on reporting duty, the petitioner's request may be considered and orders will be passed within a period of eight weeks of reporting his duty.

7. Accordingly, this writ petition is disposed of only with a direction to the first respondent to consider the representation of the petitioner dated 05.08.2014 and pass orders on the same on merits and in accordance with law within a period of eight weeks of the petitioner's reporting duty. No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

- 1.The Managing Director, Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Karaikudi Region,
27 New Railway Station Road, Kumbakonam.
- 2.The General Manager, Tamilnadu State Transport
Corporation (Kumbakonam) Ltd., Maruthupathi Karaikudi
- 3.The Branch Manager, Tamilnadu State Transport
Corporation (Madurai) Ltd., Madurai Branch Uthankudi Madurai.

+1cc to Mr. G.M.Xavier Advocate in SR.No. 6951

+1cc to Mr. D.Sivaraman, Advocate in SR.No. 6885

TS/25.02.2015/2P-6C

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