

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.5.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Writ Petition No.18406 of 2016

K.Marimuthu

... Petitioner

Vs.

1.The Director of Town Panchayat,  
Chennai-108.

2.The Assistant Director of Town Panchayat,  
Tiruppur, (Erode Region), Tiruppur District.

3.The Executive Officer,  
Madathukulam Town Panchayat,  
Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the first respondent to consider and pass appropriate orders on the representation dated 31.03.2016 regarding to provide the petitioner suitable alternative appointment as Junior Assistant/Bill Collector based on the proposal recommendation of the 3rd respondent in his Pro.Na.Ka.No.626/2010 dated 27.12.2012 and employment with pay protection, continuity of service in light of the orders of this Court in W.P.No.17347 of 2009 dated 26.2.2010.

For Petitioner : Mr. A.Baskaran

For Respondents : Ms.P.Kavitha,  
Government Advocate

WEB COPY  
O R D E R

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

2. The petitioner is working as a Tractor Driver under the third respondent, Madathukulam Town Panchayat from 1997. Due to the continuous employment by driving the Tractor, he suffered illness and hence, made a representation to the third respondent with a request to give alternative employment in the third respondent Panchayat.

3. Considering his request, the third respondent also directed the petitioner to appear before the medical board. The petitioner appeared before the medical board, Tiruppur on 27.11.2012 and 11.12.2012. Based on the medical check up, the doctors gave the following opinion:

"He is suffering from Acute Bronchitis,  
Chronic Obstructive Pulmonary Lung Disease (COPLD) "

4. Pursuant to the above report, the petitioner made another representation to the third respondent with a request to give alternative employment and the same was not considered.

5. Like the petitioner, one Mr.Krishnan has approached this Court and filed a writ petition in W.P.No.17347 of 2009 and a learned Judge of this Court by order dated 26.02.2010 allowed the writ petition with a direction that the petitioner must be given suitable alternate employment and continued to be paid wages as he was drawing in the original post. Citing the same, the petitioner made a representation on 31.3.2016 with a request to the third respondent that by applying the above said order, his request may be considered and suitable alternative employment may be given to him. But till date, no order has been passed.

6. Considering the facts and circumstances of the case, writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 31.03.2016, in the light of the Order in W.P.No.17347 of 2009 dated 26.02.2010 and pass orders giving suitable alternative employment and continue to pay him wages as he was drawing in the original post. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar

kua

To

1.The Director of Town Panchayat,  
Chennai-108.

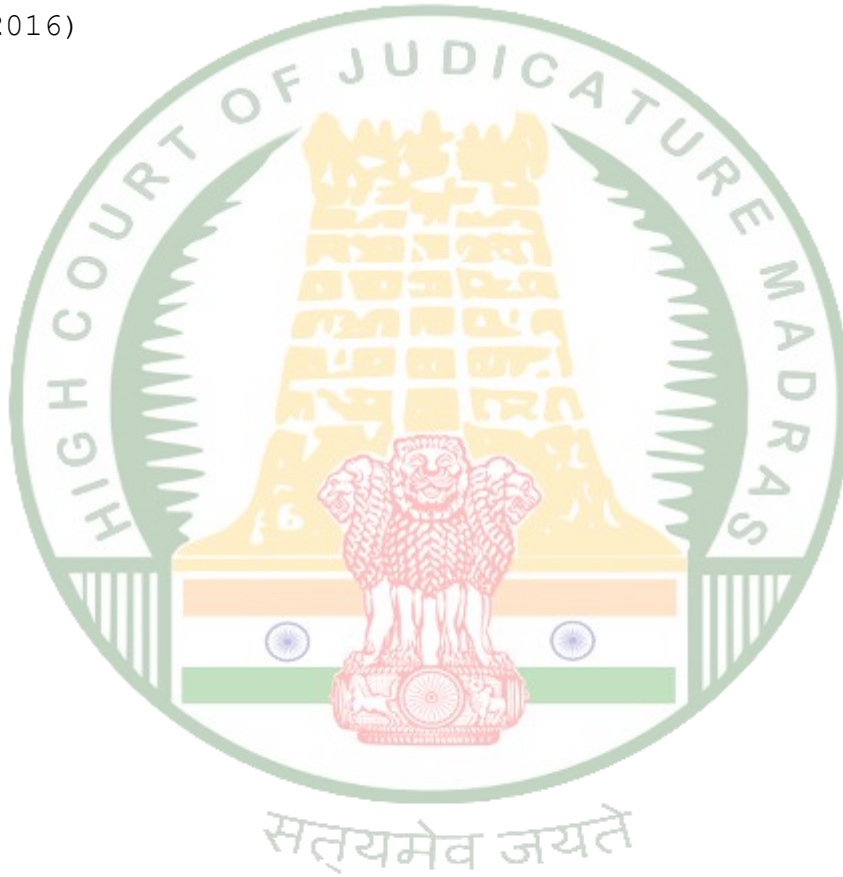
2.The Assistant Director of Town Panchayat,  
Tiruppur(Erode Region),  
Tiruppur District.

3.The Executive Officer,  
Madathukulam Town Panchayat,  
Tiruppur District.

+1cc to Mr.A.Baskaran, Advocate, S.R.No.28915  
+1cc to the Government Pleader, S.R.No.28774

W.P.No.18406 of 2016

PA (CO)  
CA(02/06/2016)



WEB COPY