

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.3179 of 2016 &
W.M.P.Nos.2611 & 2612 of 2016

R.Gajendran

.. Petitioner

Vs.

- 1.The Metropolitan Transport Corporation Ltd.,
Rep.by its Managing Director,
Pallavan House, Pallavan Salai,
Chennai - 600 002.
 - 2.The General Manager,
The Metropolitan Transport Corporation Ltd.,
Pallavan House, Pallavan Salai,
Chennai - 600 002.
 - 3.The Dean, Medical Board,
Madras Medical College,
Chennai - 600 003.
- .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide the petitioner forthwith suitable alternative employment / light duty in commensurate with his physical and health condition, with continuity of service, backwages and all other attendant and other service benefits with effect from 13.09.2015.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.P.Paramasivadosh

ORDER

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that he was selected and appointed as Junior Tradesman through Employment Exchange by an order dated 14.03.2014 and was made permanent and brought to time scale of pay with effect from 01.04.2015. While so, on 13.09.2015, the chassis of the bus got slipped and fell on his

right side shoulder, due to the weight and pressure of the chassis, his collar bone and chest ribs got broken and fractured. Initially, he was admitted in Government Royapettah General Hospital and thereafter, he took treatment in a Private Hospital and discharged on 23.09.2015.

3.It is further stated that the Doctors advised the petitioner not to do heavy work and certified that he is fit only for light work. Based on the Certificate, the petitioner gave a representation dated 12.12.2015 to the second respondent to provide a light duty considering his health condition. Since it was not considered, the present Writ Petition has been filed.

4.Heard the submissions of Mr.R.Krishnaswamy, learned counsel appearing for the petitioner and Mr.P.Paramasivados, learned Standing Counsel, who accepts notice on behalf of the respondents.

5.Learned Standing Counsel appearing for the respondents submitted that the petitioner would be sent for Medical Board and based on the Certificate issued by the Medical Board, he will be given light duty. The said submission is recorded.

6.This Court, taking into consideration the above facts and circumstances and without going into the merits of the same, directs the respondents to consider the representation of the petitioner dated 12.12.2015 and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sri

To

1.The Managing Director
Metropolitan Transport Corporation Ltd.,
Pallavan House, Pallavan Salai,
Chennai - 600 002.

2.The General Manager,
The Metropolitan Transport Corporation Ltd.,
Pallavan House, Pallavan Salai,
Chennai - 600 002.

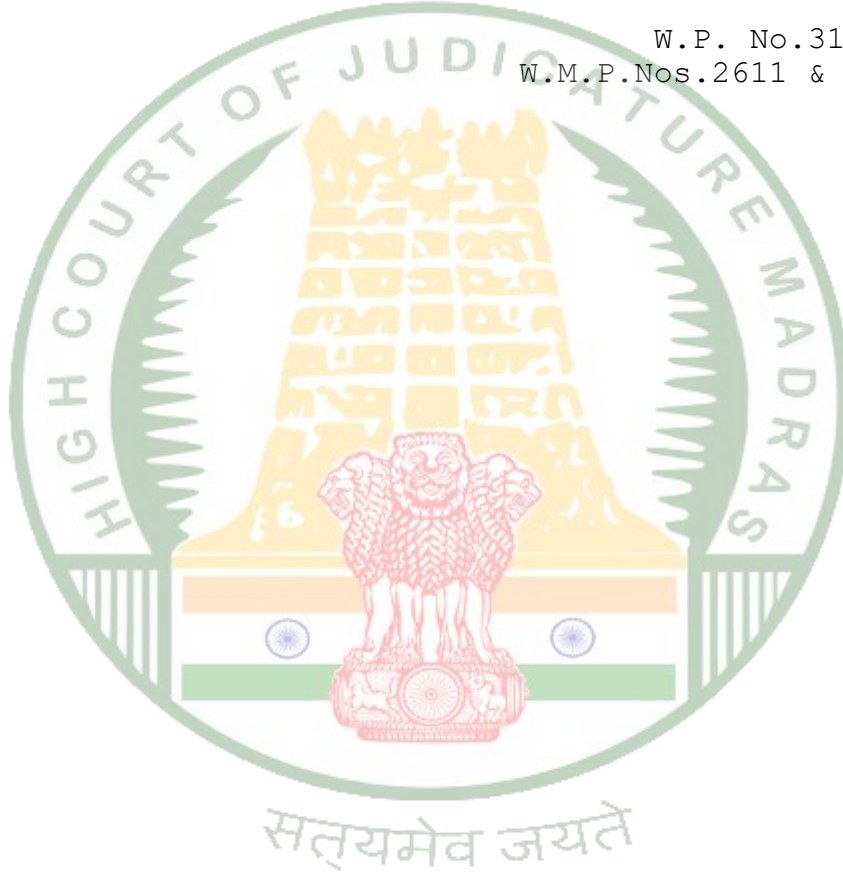
3.The Dean, Medical Board,
Madras Medical College,
Chennai - 600 003.

1 cc to Mr.P. Paramasiva Doss, Advocate, Sr. 6122

1 cc to V. Ajay Khose, Advocate, Sr. 5612

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GJ (CO)
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