

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39124 of 2016

V.Kumaraguru

... Petitioner

Vs

- 1.The District Collector
Villupuram District.
- 2.The Assistant Director(Panchayat)
Kallakurichi
Villupuram District.
- 3.The Block Development Officer
Thiruvannainallur Panchayat Union
Villupuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to provide alternative employment to the petitioner such as Office Assistant or Record Clerk or any other suitable post befitting to his health status by considering his representation dated 14.07.2016 within a period that may be stipulated by this Honourable Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader
for R1 and R2
Mr.N.Roofus Abraham,
for R3

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ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to provide alternative employment such as Office Assistant or Record Clerk

or any other suitable post befitting to his health status by considering his representation dated 14.7.2016 within a period that may be stipulated by this Court.

3. It is the case of the petitioner that he was appointed as Panchayat Secretary at Kanthalavadi Panchayat, Thiruvennainallur Union on 13.9.2007. His service was also regularized with effect from 13.9.2007. As a Panchayat Secretary, his duties involve collection of Panchayat funds from the tax payers by visiting each and every house through bi-cycle and used to ride bi-cycle for several kilometres. While so, he suffered severe chest pain and as per the medical advise, he had undergone heart valve replacement surgery and had taken rest for some time. At the time of discharge, the Doctors advised him to do only light work and not to strain with any work involving hectic physical activity. Hence, he sent a representation dated 14.7.2016 to the respondents to permit him to discharge light duty because of the ailment suffered by him. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner, learned Special Government Pleader, who has taken notice on behalf of the respondents 1 and 2 and the learned counsel, who has taken notice on behalf of the third respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 14.7.2016 seeking alternative employment and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector
Villupuram District.

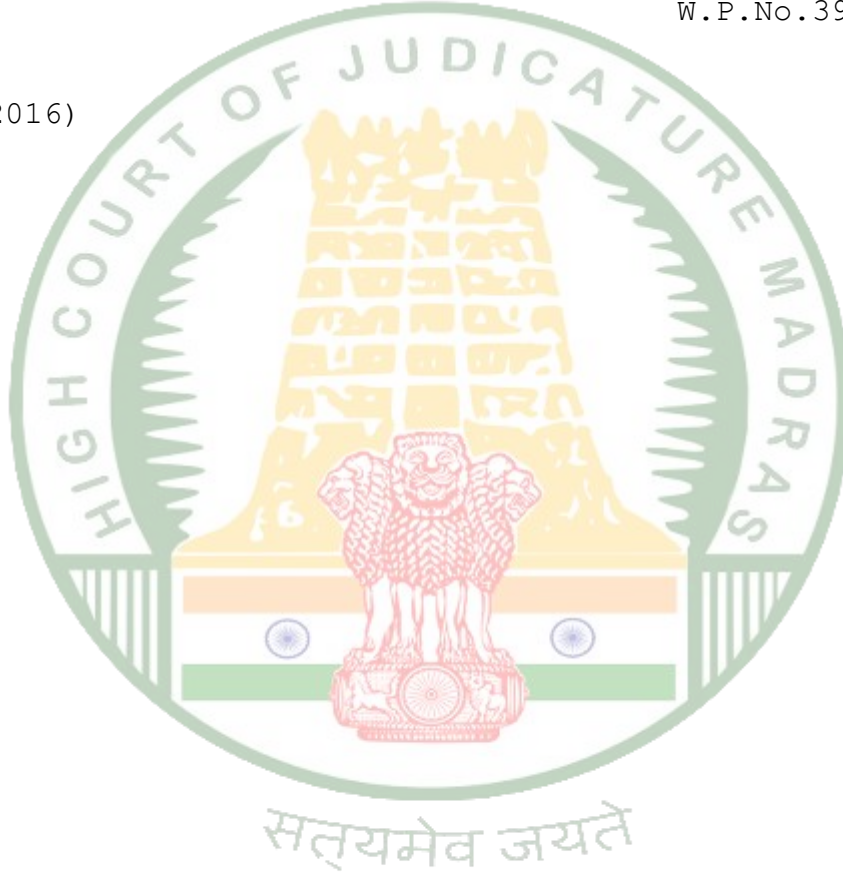
2.The Assistant Director(Panchayat)
Kallakurichi
Villupuram District.

3.The Block Development Officer
Thiruvennainallur Panchayat Union
Villupuram District.

+lcc to Mr.S.Mani, Advocate, S.R.No.64111
+lcc to the Government Pleader, S.R.No.64621

W.P.No.39124 of 2016

NR(CO)
CA(09/12/2016)



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