

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43171 of 2016

and

WMP. No. 37004 of 2016

G.Lenin

.. Petitioner

Vs

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

2. The Senior Deputy Manager,
Metropolitan Transport Corporation,
Pallavan House, Pallavan Salai,
Chennai - 600 002.

3. The Branch Manager,
Tondiarpet II Depot,
Metropolitan Transport Corporation,
Chennai - 600 081.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent Corporation to allot posting with duty to the petitioner at the Tondiarpet II depot.

For Petitioner : M/s.D.Nagasaila

For Respondents : Mr.M.Udayakumar

ORDER

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

2. Mr.M.Udayakumar learned counsel accepts notice on behalf of the respondents 1 to 3.

3. The petitioner is a conductor and also a permanent employee in the services of Metropolitan Transport Corporation and he was posted at Tondiarpet II Depot and he claims that he

is discharging his duties sincerely and honestly right from the date of appointment i.e. on 28.01.2008.

4. The petitioner would further state that he was suspended from duty on account of disciplinary proceedings initiated against him, a charge memo was also served on 23.11.2015 alleging that he did not co-operate with the Controller and also recorded sale of Rs.6/- tickets incorrectly.

5. The petitioner was suspended for a period of 66 days from 28.11.2015 to 01.02.2016 and the same was revoked by an order dated 16.01.2016 and was served to the petitioner on 01.02.2016. However, the petitioner could not join duty as he fell sick and vide his letter dated 02.02.2016, the petitioner prayed that he may be permitted to avail the medical leave and may be permitted to join duty as soon as the doctor certified him fit to join duty.

6. It is further stated by the petitioner that the test revealed that he was suffering due to jaundice and he was advised to take medical leave for 45 days. In this regard, a copy of the medical report along with his letter dated 15.02.2016 has been submitted by the petitioner. Subsequently he joined duty on 29.03.2016 after being certified fit by the Doctor.

7. Subsequently the petitioner developed illness due to leptospirosis but it was not diagnosed initially and he has availed medical leave from 14.05.2016 to 19.05.2016 and he applied again for medical leave on 21.05.2016 for a period of 88 days till 11.08.2016. The petitioner also made request to the 3rd respondent in the form of representation dated 11.08.2016, wherein he has requested the Medical Officer of the Corporation to consider his medical records and issue of certificate of fitness enabling him to join duty. The 3rd respondent forwarded the request of the petitioner to the Medical Officer for certification and thereafter it is certified that the petitioner was medically fit to join duty. However, he has to get permission from the General Manager (North) to join duty. Despite the fact of the receipt of the certificate stating that he is medically fit, he has not been given any posting order. In this regard, he has submitted a representation to the 3rd respondent dated 12.08.2016 praying for appropriate orders and though it was acknowledged, no response is forth coming, hence the petitioner came forward to file this Writ Petition.

8. Heard, the submissions made by the learned counsel appearing on behalf of the petitioner and Mr.M.Udayakumar, learned counsel appearing on behalf of the respondents.

9. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the third respondent to consider the representation dated 12.08.2016 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

10. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

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

2. The Senior Deputy Manager,
Metropolitan Transport Corporation,
Pallavan House, Pallavan Salai,
Chennai - 600 002.

3. The Branch Manager,
Tondiarpet II Depot,
Metropolitan Transport Corporation,
Chennai - 600 081.

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nmj (CO)
rs(06/01/2017)