

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.8186 of 2016

U.Sivasankaran

.. Petitioner

vs

1. The State of Tamil Nadu  
rep.by its Additional Secretary  
Highways and Minor Ports (HM2)  
Department, Fort St.George  
Chennai 600 009.
2. The Director General  
Highways Department  
Chepauk  
Chennai 600 005.
3. The Chief Engineer  
(Construction and Maintenance)  
Highways Department  
Chepauk  
Chennai 600 005.
4. The Superintendent Engineer  
(Construction and Maintenance)  
Tiruchi Circle  
Tiruchi-20.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to pass appropriate orders based on the Letter No.Nir.3(2)/2492/2014 dated 15.04.2014, sent by the second respondent and the representation dated 07.12.2015 sent by the petitioner to the respondents 1, 2 and 4 and appoint him as Office Assistant or Record Clerk, due to Medical ill-health by taking into account the Medical Certificate dated 20.12.2013 issued by the Regional Medical Board, Thanjavur Medical College Hospital, Thanjavur.

For Petitioner : Mr.V.S.Jagadeesan  
For Respondents : Mr.P.Chinnadurai  
Government Advocate

O R D E R

The petitioner, U.Sivasankaran was offered the post of Record Clerk on compassionate ground in the fourth respondent office as his father, who was working as a Roller Driver under the respondents, died on 04.01.1984, while in service. According to the petitioner, he joined duty on 04.01.1988 in the office of the fourth respondent and subsequently got promoted as Junior Assistant on 20.09.2010. But suddenly he was affected by paralysis right side upper limbs in the year 2012. Therefore, he appeared before the Medical Board on 24.01.2013 and the Board also has given a report stating that he was temporarily unfit to join duty and it further instructed the petitioner to appear before them after three months for a review. Accordingly, the petitioner had appeared before the Medical Board on 10.05.2013 and the Board advised him to continue the treatment. Again for the third time, the petitioner appeared before the Medical Board on 06.09.2013 and this time, the Medical Board held him unfit to discharge his duty as a Junior Assistant. According to the petitioner, since the Board has held him unfit to do his duty, his salary was stopped from 07.09.2013. Thereafter, the petitioner once again appeared before the Medical Board on 20.12.2013 and this time after examining the petitioner, the Medical Board has given a report stating that the petitioner was although physically fit, he is unfit to work as a Junior Assistant, however he can do his work as an Office Assistant. Further, liberty was given to the Department to decide the job to be given to the petitioner as per his current fitness.

2. Subsequently, the second respondent after analysing the case of the petitioner has given a letter to the first respondent in Lr.No.Nir.3(2)/2492/2014 dated 15.04.2014 recommending the case of the petitioner to consider him for a suitable post. As there was no response, the petitioner has given a representation dated 07.12.2015 to the respondents 1, 2 and 4 requesting them to consider his case on sympathetic ground; but till date no order has been passed and hence the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate, who took notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and also taking into account the fact that the second respondent has also recommended the case of the petitioner, the first

respondent is directed to consider the representation submitted by the petitioner dated 07.12.2015 along with the Medical Board Report and pass appropriate orders on the same within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

vj2

To

1. The Additional Secretary  
State of Tamil Nadu  
Highways and Minor Ports (HM2)  
Department, Fort St.George  
Chennai 600 009.
2. The Director General  
Highways Department  
Chepauk  
Chennai 600 005.
3. The Chief Engineer  
(Construction and Maintenance)  
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4. The Superintendent Engineer  
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Tiruchi Circle  
Tiruchi-20.

+1 cc to Mr.Rengaramanujam Advocate sr.13983  
+1 cc to Government Pleader sr.14312

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