



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21259 of 2016

and

W.M.P (MD) No.15195 of 2016

R.Kaliappan

... Petitioner

vs.

1)The General Manager,
Tamil Nadu State Transport Corporation (TNV) Ltd.,
Tirunelveli District.

2)The Regional Manager,
Tamil Nadu State Transport Corporation (TNV) Ltd.,
KTC Nagar, Tirunelveli.

3)The Branch Manager,
Tamil Nadu State Transport Corporation (TNV) Ltd.,
Vilathikulam Branch, Vilathikulam,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to provide light work to the Petitioner instead of driver work pursuant to the doctor Certificate and the medical condition of the Petitioner.

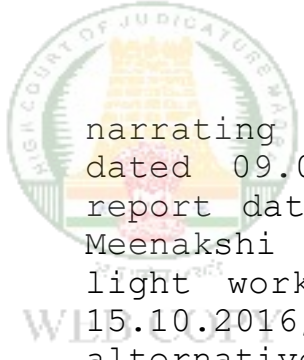
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Sathiya Singh

ORDER

This Writ of Mandamus has been filed seeking for a direction to the respondents to provide light work to the petitioner, instead of the post of Driver, due to the Heart attack suffered by the petitioner.

2.The petitioner is working as a driver in the respondents transport corporation for the past 25 years; he suffered a heart attack; he was admitted in Government Hospital, Thoothukudi, between 30.07.2016 and 04.08.2016; later, he was referred to Neenakshi Mission Hospital, Madurai, where, an Angio plasty was performed; he was advised not to do heavy work as that of driver;



narrating the above facts, the petitioner made a representation, dated 09.09.2016, to the respondents, enclosing the medical report dated 08.09.2016, issued by the Department of Cardiology, Meenakshi Mission Hospital, Madurai, requesting to provide him light work; thereafter, he made representations on 07.10.2016, 15.10.2016, 21.10.2016 respectively, to the respondents, seeking alternative duty; that representations did not yield any result and therefore, the petitioner has filed this writ petition.

3.The petitioner, in support of his claim, has enclosed the medical report dated 08.09.2016, issued by the Department of Cardiology, Meenakshi Mission Hospital, Madurai, in the typed set of papers, which shows that the petitioner underwent Coronary Angiogram followed by successful PTCA with Drug Eluting Stents to LAD = LCX / RCA done on 06.08.2016 and he has been advised to avoid heavy work. The discharge summary issued by the Government Hospital, Thoothukudi, is also enclosed in the typed set of papers.

4.The learned standing counsel appearing for the respondents would submit that as a matter of procedure, the respondents would refer the employee making request for alternative duty, to the Medical Board and on the opinion to be offered by the Medical Board, the claim of such person would be considered by the corporation and the same procedure can be followed in the case of the petitioner.

5.Under such circumstances, this Writ Petition is disposed of directing the respondents to send the petitioner to the Medical Board within a period of one week from the date of receipt of a copy of this order and after getting opinion from the Medical Board, the petitioner's claim for alternative duty shall be considered sympathetically, at least for a limited period. No costs. Consequently, W.M.P(MD)No.15195 of 2016 is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1)The General Manager,
Tamil Nadu State Transport Corporation (TNV) Ltd.,
Tirunelveli District.

2)The Regional Manager,
<https://hcservices.ecourts.gov.in/hcservices/>
Tamil Nadu State Transport Corporation (TNV) Ltd.,
KTC Nagar, Tirunelveli.



3) The Branch Manager,
Tamil Nadu State Transport Corporation (TNV) Ltd.,
Vilathikulam Branch, Vilathikulam,
Thoothukudi District.

WEB COPY

+1 cc to M/s.G.Prabhu Rajadurai, Advocate in SR.No. 66978
+1 cc to M/s.K.Sathiya Singh, Advocate in SR.No. 67751

nbi

CSL/SK-SKN/SAR-I/14.11.2016:3P/6C

W.P (MD) No.21259 of 2016
08.11.2016