



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 23771 of 2016

K. Senthamarai Kannan

... Petitioner

Vs.

1. The Management,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road,
Madurai.

3. The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
K. Pudur,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to provide light duty to the petitioner on both shifts and incentive amounts from the year 2012 based on his representation dated 12.07.2016 within a time frame.

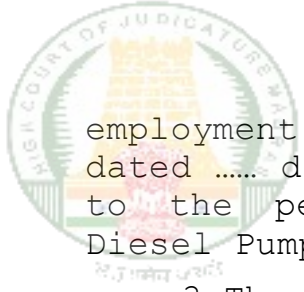
For Petitioner : Mr. G. M. Xavier

For Respondents : Mr. A. P. Muthupandian

ORDER

The Writ petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to provide light duty and also incentive amounts from the year 2012 to the petitioner based on his representation dated 12.07.2016.

2. The case of the petitioner is that the petitioner was employed as a Driver in the respondent Corporation. Due to his heart ailment, the petitioner filed a Writ petition in W.P. (MD) No. 9271 of 2009 seeking a direction for providing suitable alternative



employment in the 1st respondent Corporation. This Court by order dated directed the respondent to provide alternative employment to the petitioner. Accordingly, the petitioner was provided Diesel Pump Attender.

3.The grievance of the petitioner is that he was provided Diesel Pump Attender duty only during night shift alone. Hence, he requested the respondent Corporation to provide Diesel Pump Attender duty during day shift instead of night shift. Further, the petitioner was not paid incentive amount from the year 2012 onwards. In this regard, he made a representation to the respondents on 12.07.2016. Since no action has been taken, the petitioner is before this Court.

4.Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents Corporation.

5.This Court is not inclined to direct the respondents that what type of job should be given to an employee, otherwise, it would amount to entering into administrative area of the respondents Corporation. However, it is open to the respondents Corporation to consider the case of the petitioner, if there is any feasibility for providing alternative job to the petitioner, by considering his representation dated 12.07.2016 and pass orders on merits and in accordance with law expeditiously.

Accordingly, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
The Management,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep.by its Managing Director, Bye Pass Road, Madurai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
K.Pudur, Madurai.

Nbj

CSL/PM-AMI/23.01.2017 :2P/4C

W.P. (MD) No.23771 of 2016

08.12.2016