

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14824 of 2017

S.Mohan

.. Petitioner

-vs-

1. The Secretary to Government
Home (Transport) Department
Fort St.George
Chennai 600 009
2. The Transport Commissioner
Chepauk
Chennai 600 005
3. The Joint Transport Commissioner
South Zone
Chennai 600 083

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 20.3.2017 to accept the recommendation of the Medical Board dated 16.6.2014 for medical invalidation and also settle his retirement benefits within a reasonable time.

For Petitioner :: Mr.M.Muthappan

For Respondents :: Mr.M.Dig Vijaya Pandian
Additional Government Pleader

ORDER

The petitioner has filed the present writ petition seeking a mandamus to the respondents to consider his representation dated 20.3.2017, to accept the recommendation of the Medical Board dated 16.6.2014 for medical invalidation and also to settle his retirement benefits within a reasonable time.

2. After entering service in the respondent Department as Watchman during the year 1992, the petitioner was given promotion to the post of Record Clerk in the year 1999. After 12 years of his service, he underwent a heart surgery on 8.8.2011.

The Medical Board, having examined the petitioner, recommended for his medical invalidation on 16.6.2014. The Regional Transport Officer, Chennai also sent a communication on 23.6.2014 to accept the petitioner's medical invalidation along with a recommendation to appoint his son on compassionate grounds. In the meanwhile, the Government issued an order on 12.11.2014 to take departmental action against the petitioner and others. Therefore, a charge memo was issued on 6.7.2015. As the disciplinary proceedings were pending, the petitioner came to this Court and obtained an order in W.P.No.20213 of 2015 on 8.7.2015 to conclude the pending disciplinary proceedings within six months time. Subsequently, as he was to retire on attaining the age of superannuation on 31.1.2016, he was suspended on 27.1.2016 and he was also not allowed to retire from service. Thereafter, the petitioner was absolved of all the charges, by order dated 16.3.2017. In this background, the claim of the petitioner is that when the Regional Transport Officer, Chennai had already sent a communication on 23.6.2014 to accept his medical invalidation along with a recommendation to appoint his son on compassionate grounds, his representation dated 20.3.2017 to implement the said order, which has not been till date considered, should be directed to be disposed of.

3. Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader, taking notice for the respondents, sought four weeks time to pass orders on the pending representation of the petitioner.

4. Recording his statement, this Court hereby directs the respondents to consider and dispose of the pending representation of the petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ss

To

1. The Secretary to Government
Home (Transport) Department
Fort St.George
Chennai 600 009

WEB COPY

2. The Transport Commissioner
Chepauk
Chennai 600 005

3. The Joint Transport Commissioner
South Zone
Chennai 600 083

+1cc to M/s.M.Muthappan, Advocate in sr.no.41905
+1cc to Government Pleader in sr.no.42284

W.P.No.14824 of 2017

NRI (CO)
NR 28/06/2017



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