

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2950 of 2018

A.Dharman

.. Petitioner

-vs-

1. The State of Tamil Nadu represented by
its Secretary
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited
12, Ramakrishna Road
Salem 636 007
3. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
Dharmapuri Division
Barathipuram
Dharmapuri 636 705

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to dispose of the representation dated 14.11.2017 by discharging the petitioner from the present job of conductor and provide an alternate employment as Helper.

For Petitioner :: Mr.S.Balaji

For Respondents:: Mr.R.S.Selvam
Government Advocate for R1
Mr.P.Kannankumar for R2 & 3

ORDER

This writ petition has been filed seeking a mandamus to direct the respondents to consider the representation of the petitioner dated 14.11.2017 by discharging him from the present

job of Conductor and to provide him with an alternate employment as Helper.

2. Learned counsel for the petitioner submitted that the petitioner was recruited as a Conductor in the year 1992 by the second respondent. Since then, he has been discharging his duties efficiently without any complaint. While so, in the year 2009, he suffered severe health problems and on diagnosis, he was found to be suffering from IBS, which is a condition where the patient has the urge and inclination to pass stools often. Although he was given suitable medication and treatment, he is not able to get rid of the same. The treatment taken from the year 2015 & 2016 and the doctors reports, which are also enclosed, clearly show that the petitioner is unable to discharge his duties as a Conductor and he may be shifted from that post to any other post, where he will be able to frequently visit the rest room. Therefore, he has given a representation on 14.11.2017 for alternative employment. But till date the respondents have not come forward to consider the same.

3. But this Court is not able to find any incriminating document to accept the prayer. The reason is that even the discharge summary issued by the GEM Hospital & Research Centre (P) Limited also says as follows:-

"Patient treated with IV fluid, IV antibiotics and PPIs. Patient improved symptomatically with above treatment. On the day of discharge patient is comfortable and taking normal diet."

Moreover, the ultrasonography medical report issued by Sri Gokulam Hospital, Salem dated 31.1.2015 and one another colonoscopy report dated 25.6.2015 issued by the said hospital would clearly show that the health of the petitioner is normal and he is also maintaining a normal health condition. Therefore, the petitioner, who appears to have come to this Court with a false ground, cannot get any positive direction. Hence, the writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

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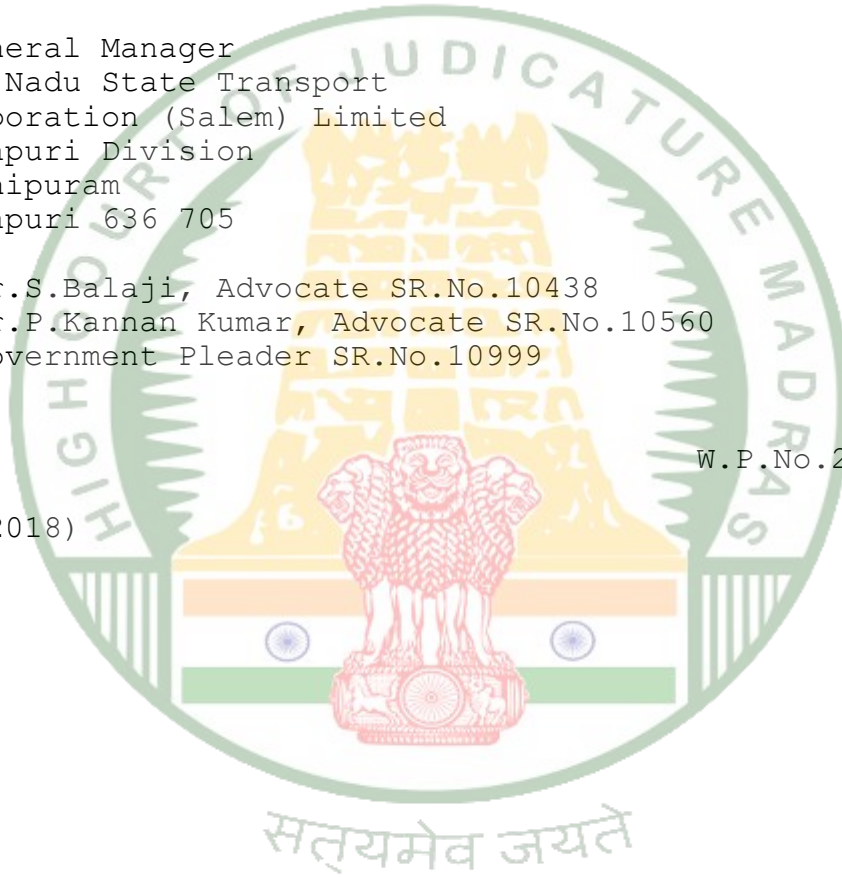
To

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Corporation (Salem) Limited
Dharmapuri Division
Barathipuram
Dharmapuri 636 705

+1cc to Mr.S.Balaji, Advocate SR.No.10438
+1cc to Mr.P.Kannan Kumar, Advocate SR.No.10560
+1cc to Government Pleader SR.No.10999

W.P.No.2950 of 2018

GN(26/02/2018)



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