

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.1976 of 2017

S.Kannikadharan

..Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager,
Tamil Nadu State Transport
Corporation Limited,
No.45, Chennimalai Road,
Erode - 638 001.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to send the petitioner to the appropriate Medical Board constituted by Government to get Medical opinion with regards to the ailment suffering by the petitioner at an early date.

For Petitioner : Ms.Vijaya
For M/s.Vijaya and Anandh

For Respondents : Mr.R.Annamalai

O R D E R

The relief sought for in this writ petition is for a direction to direct the Respondents to send the petitioner to the appropriate Medical Board constituted by Government to get Medical opinion with regards to the ailment suffered by the petitioner.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as Casual Driver in the Respondent Corporation on 01.11.2010 and thereafter, he was brought under the regular establishment as a Regular Driver on 01.11.2011.

3.The grievance of the writ petitioner is that he suffered Brain Fitz and unable to cope up his memory and therefore, he is not in a position to perform his duties and responsibilities as a Driver. In this regard, the petitioner made a representation along with the medical records with a request to send him to the competent Medical Board, so as to get a Medical opinion for the purpose of getting an alternate employment. In this regard, no action has been taken by the respondents. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned counsel for the respondents states that the said Medical documents produced by the writ petitioner were of the year 2016 and it is not made clear that whether the writ petitioner is recovered from such illness or not. In the event of submitting current Medical certificate, the case of the writ petitioner would be considered on merits and in accordance with law.

5.This being the submissions made on behalf of the respondents, this Court is of an opinion that the writ petitioner has to submit the current Medical certificates and other documents to the respondents, enabling them to consider the case of the writ petitioner to send him for Medical Examination before the competent Medical Board. Accordingly, the writ petitioner is directed to submit his current Medical records to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of such documents along with the writ petition, the same may be considered by the respondents and orders shall be passed on merits and in accordance with law within a period of four weeks thereafter.

6.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(Audit)

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Sub Assistant Registrar

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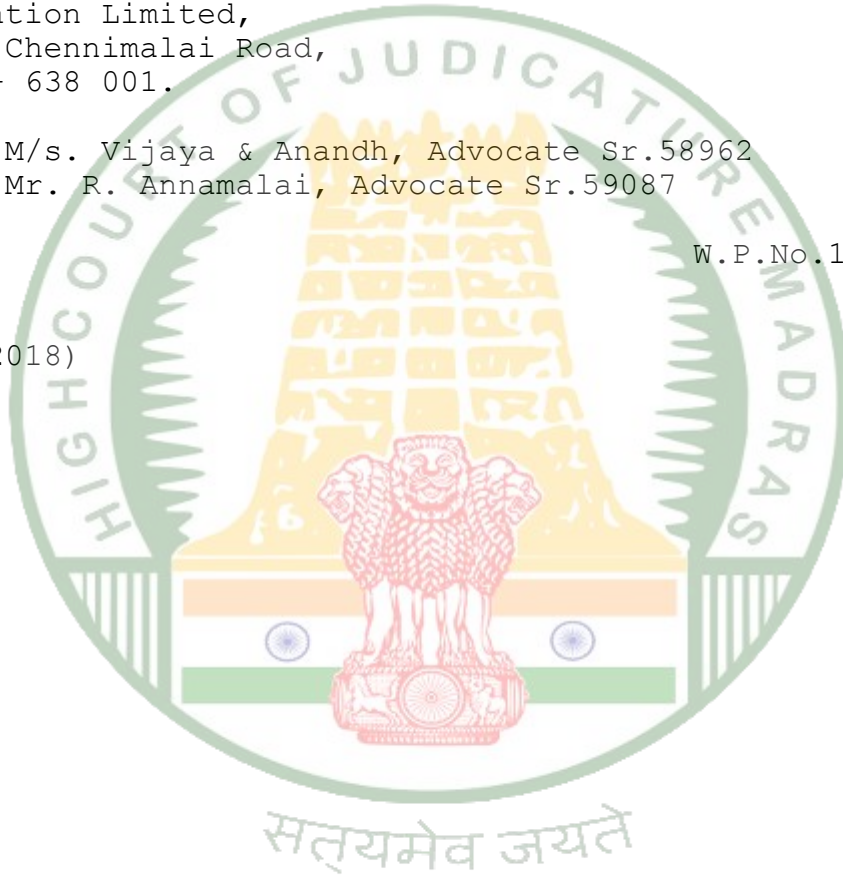
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+ 1 cc to M/s. Vijaya & Anandh, Advocate Sr.58962
+ 1 cc to Mr. R. Annamalai, Advocate Sr.59087

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GJII (CO)
EU(18/09/2018)



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