



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.1587 of 2018

K.R.Kesavaraman

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Limited),
Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (KKD) Limited,
Maruthapathi,
Managiri Post,
Karaikudi, Sivangangai District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot alternate job of Office Helper (Office light work) to the petitioner instead of Conductor work based on the recommendation given by the Medical Board dated 14.09.2017.

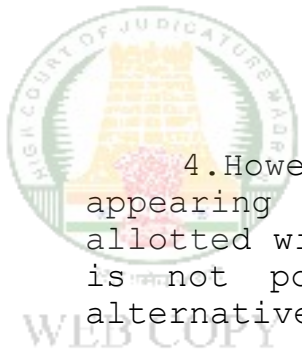
For Petitioner : Mr.N.Rahamadullah
For Respondents : Mr.D.Sivaraman

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal

3.The petitioner was working as a Conductor in the respondents/ Corporation. He was suffering from certain cardiac related ailments. Therefore, he was given light duty with effect from 02.02.2017. While so, the petitioner has been un-authorisedly absent from 01.05.2017. When this was put to the petitioner, the petitioner's counsel submitted that the petitioner had to undergo a third operation. When the petitioner has not chosen to report before the respondents or even make a demand, the question of issuing a Writ of Mandamus will not arise.



4.However, it is fairly submitted by the learned counsel appearing for the respondents that the petitioner was already allotted with alternate duty and that unless he for reports duty, it is not possible for the management to permit him to do the alternative duty.

5.The petitioner is permitted to report for duty on 23.02.2018. The respondents shall permit the petitioner to work in an alternative job and not as conductor. It is, however, made clear that it is open to the Management to deal with the petitioner for his un-authorized absence.

6.The Writ Petition is allowed with the aforesaid liberty to the Management. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Limited),
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Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (KKD) Limited,
Maruthapathi,
Managiri Post,
Karaikudi, Sivangangai District.

+1cc to Mr.N.RAHAMADULLAH,Advocate,SR.49871

W.P. (MD) .No.1587 of 2018
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TSG

KK/SV MMS/SAR3 /20.02.2018/ 2P- 4C/