



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.06.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.13367 of 2018

T.Anbumani,
Driver, Staff No.05 DR 054,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Thiruthuraipoondi Branch,
Kumbakonam Region.

...Petitioner

Vs.

1) The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2) The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide alternative employment to the petitioner by considering the petitioner's representation dated 30.11.2017 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.D.Sivaraman,
Standing Counsel.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents to provide alternative employment to the petitioner by considering the petitioner's representation dated 30.11.2017, within the time limit that may be stipulated by this Court.

2. Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents.



3. It is the grievance of the petitioner that, the petitioner has been working as a Driver at the Respondent Corporation. Due to heat and diesel smoke allergy, he had continuously suffered with dermatological problems. In this regard, he has undertaken continuous treatment.

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4. According to the petitioner, the doctor advised him to avoid heat. But being a Driver, he has to sit several hours in a day nearby the engine of the bus, he drives. With a result, it is vulnerable for the petitioner to get affected by the heat emanated from the diesel engine and therefore, in this regard, the petitioner was not able to attend his job regularly and therefore, due to his health reasons, the petitioner has requested the Respondent Corporation to give an alternative employment.

5. In this regard, the petitioner has given a representation to the Respondent Corporation dated 03.05.2017 and 30.11.2017. However, the respondents have not so far considered the said request of the petitioner, and therefore, the petitioner is before this Court with this writ petition.

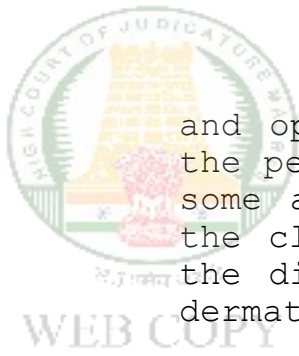
6. Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner would submit that, the petitioner is ready and willing to appear before the Medical Board in order to verify the claim made by the petitioner and according to the advice to be given by the Medical Board, the respondents can act upon.

7. I have heard Mr.D.Sivaraman, learned standing counsel appearing for the respondents, who would submit that, the request of the petitioner dated 03.05.2017 and 30.11.2017 would be considered and if need be, necessary orders for the grant of an alternative employment could be passed. But, however, that is subject to the satisfaction of the Authorities, that, the petitioner is physically affected because of heat energy emanated from diesel engine.

8. I have considered the said submissions made by both sides. In view of the said issue involved herein, it has to be verified as to whether the petitioner is suffering from dermatological problems because of the heat energy generated from the diesel engine of the heavy vehicle and in this regard, a proper course of action undertaken is to subject the petitioner into the medical examination, for which, the petitioner can be directed to appear before the Medical Board and thereafter, based on the opinion to be given by the Medical Board, the respondents can act upon.

9. In view of the above, this Writ Petition is disposed of with the following directions:

"that the respondent shall permit the petitioner to appear before the Medical Board, where the petitioner can appear and on examining the physical conditions of the petitioner, the Medical Board can give a detailed report



and opinion to the Respondent Corporation, as to whether the petitioner can be permitted to continue as a Driver or some alternative employment can be suggested, in view of the claim he makes that, due to heat energy generated by the diesel engine of the heavy vehicle, he suffered from dermatological problems.

On receipt of such report /opinion from the Medical Board the respondents shall act upon depending on the outcome of the Medical Report. The needful as indicated above shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

10. Accordingly, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar

To

- 1) The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
- 2) The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

+1CC to Mr.D.Sivaraman Advocate in SR.No.69524.

+1CC to Mr.M.S.Jeyakarthish Advocate in SR.No.69479.

STS

DS/PN/SAR-2 :13.07.2018: 3P/5C

Order made in
W.P. (MD) No.13367 of 2018
22.06.2018