

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2771 of 2019
and W.M.P.No.3039 of 2019

V.Palanivelu

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore-43.

2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Chennimalai Road,
Erode-638 001.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to allow the petitioner to continue in the post of Security by providing specific duty permit orders for the security work or in the alternative to provide some other light duty work in the nature of Bus Stand duty or point duty work under the control of the second respondent.

For Petitioner : Ms.S.Girija

For Respondents : Mr.S.Sairaman

O R D E R

The case of the petitioner is that he joined the respondent Corporation as Conductor on 04.11.1996. During the course of his service, while he was carrying out duty in Bus bearing Regn.No.TN-33-N-0721, on 16.02.2000, the bus met with an accident and because of the same, the disc in the spinal cord of the petitioner got displaced rendering him unfit to perform the duty as Conductor. The petitioner underwent operation and the matter culminated in granting alternative light duty to the petitioner as Helper during 2013 in the Bhavani Branch of the respondent Corporation. Thereafter, he was given Security duty, in view of his health condition. While so, the petitioner was

denied Security duty by the new Branch Manager and he was asked to do workshop duty, without there being any specific written orders. Since the new Manager was very categorical that the petitioner has to get a specific duty permit order from the appropriate authority, the petitioner was taking steps to obtain specific duty permit order. While so, he was served with a memo dated 05.09.2018 alleging unauthorised absence.

2. With the above background, the petitioner has come up with this writ petition for issuance of a Writ of Mandamus directing the respondents to allow the petitioner to continue in the post of Security by providing specific duty permit orders for the security work or in the alternative to provide some other light duty work in the nature of Bus Stand duty or point duty work under the control of the second respondent.

3. Mr. S. Sairaman, learned counsel, takes notice for the respondents.

4. It is seen that earlier the petitioner filed a writ petition before this Court in W.P.No.17146 of 2011 which was disposed of on 05.10.2012 with certain directions and only thereafter the petitioner was allotted light duty. It is also seen that the petitioner has made representations dated 10.11.2018 and 24.12.2018 to the respondents, in this connection. Considering the facts and circumstances of the case, the respondents are directed to consider the representations dated 10.11.2018 and 24.12.2018 made by the petitioner in the light of the order passed by this Court in W.P.No.17146 of 2011 dated 05.10.2012 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore-43.

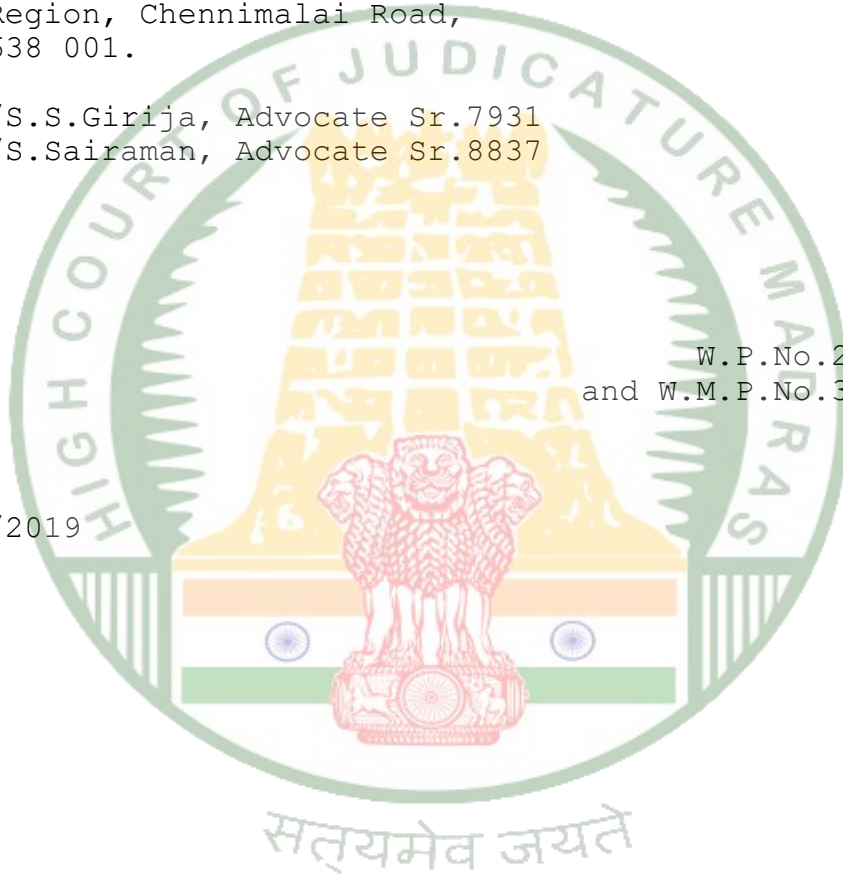
2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Chennimalai Road,
Erode-638 001.

+1cc to M/S.S.Girija, Advocate Sr.7931

+1cc to M/S.Sairaman, Advocate Sr.8837

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srg 13/02/2019



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