

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26351 of 2019

&

W.M.P.No.25702 of 2019

Mohammed Nazeem

..Petitioner

vs

1. M/s.Metropolitan Transport Corporation,
(Chennai) Ltd.,
Rep by its Senior Deputy Manager,
Pallavan House Chennai-2.

2. The Branch Manager,
Metropolitan Transport Corporation,
(Chennai) Ltd., Tambaram Depot,
Tambaram, Chennai.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to implement the memo No.134/Adm (4)/MTC/2015 dated 14.05.2018 issued by the 1st respondent to provide employment to the petitioner to continue the work suitable to his category.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.Rajeni Ramadass

O R D E R

The prayer sought for in this Writ Petition is to implement the memo No.134/Adm (4)/MTC/2015 dated 14.05.2018 issued by the 1st respondent to provide employment to the petitioner to continue the work suitable to his category.

2. The case of the petitioner is that he was appointed as a Driver at Tambaram Depot on 10.11.1991. Unfortunately, he met with an accident on 19.09.2006 and sustained injury in his leg. Thereafter, the petitioner approached III Additional Labour

Court and obtained award on 13.2.2010. After award the petitioner joined the duty on 27.07.2011. However on 30.05.2015, the petitioner was attacked with Hemi paresis at the left side and the 1st respondent directed the petitioner to appear before the Medical Board on 15.07.2015. The petitioner appeared before the Medical Board on the said date and the Medical Board suggested that he was not fit for the Driver job as he got 60% disability.

3. It is the further case of the petitioner that he was offered with an alternative job as Helper Non-ITI category. Thereafter the petitioner was admitted as inpatient on 11.09.2017 at the Government General Hospital until 28.09.2017. It was ordered by the 1st respondent to the 2nd respondent vide memo dated 14.05.2018 to deploy petitioner as Helper - Diesel filling for 6 months. The grievance of the petitioner is that after completion of deployment he was not given any employment. Hence the Writ Petition has been filed.

4. The learned counsel for the respondent Corporation would submit that the claim of the petitioner will be considered by the respondents after referring him for medical examination and based on the report from the Medical Board he will be given alternative employment and the petitioner may be directed to make representation to the respondents in this regard which will be considered by the respondents.

5. Considering the facts and circumstances and submissions made by the learned counsel for the respondent corporation, I am inclined to permit the petitioner to make representation to the respondents seeking for alternative employment within a period of 2 weeks from the date of receipt of a copy of this order, on such representation being made by the petitioner, the respondents are directed to consider the same and refer him for Medical Examination and based on the Medical Report the respondents shall pass appropriate orders within a period of 2 weeks thereafter. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

WEB COPY

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

kan

To

1. The Senior Deputy Manager,
M/s.Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan House Chennai-2.
2. The Branch Manager,
Metropolitan Transport Corporation,
(Chennai) Ltd., Tambaram Depot,
Tambaram, Chennai.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.78614

+1cc to Mr.S.Rajeni Ramadass, Advocate, S.R.No.78811

W.P.No.26351 of 2019 &
W.M.P.No.25702 of 2019

MR (CO)
CS/31/10/2019



WEB COPY