

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30824 OF 2019

&

W.M.P.NOS.30899 & 30901 OF 2019

K.Aruchamy

..Petitioner

vs

1. Tamilnadu State Transport,
Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director
37, Mettupalayam Road,
Coimbatore.
2. The General Manager
Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore.
3. The Branch Manager,
Tamilnadu State Transport,
Corporation (Coimbatore) Ltd.,
No. 152, Avinashi Road,
Uppilipalayam, Coimbatore - 641 015
4. The Dean
Medical Board
Coimbatore Medical College,
Hospital, Coimbatore.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to provide the petitioner forthwith, suitable alternative employment / light job in commensurate with his health and physical condition, with continuity of service, pay protection, back wages and all other service benefits w.e.f. 07.09.2017 and also to restore his leave which was adjusted for the period from 07.09.2017 to Feb.2018, award costs.

For Petitioner : Mr.B.Krishnaswamy
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to provide the petitioner forthwith, suitable alternative employment / light job in commensurate with his health and physical condition, with continuity of service, pay protection, back wages and all other service benefits w.e.f. 07.09.2017 and also to restore his leave which was adjusted for the period from 07.09.2017 to Feb.2018, award costs.

2. By consent of both the parties, the Writ Petition has been taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he was appointed as a Conductor in the 1st respondent Corporation in the year 2013. While in service on 10.04.2018, the petitioner suffered Heart Attack and was taken to DSK Hospital, Tiruppur. Thereafter, he was shifted to KMC, Coimbatore and admitted as in-patient. There he underwent surgery and fitted with stents. After surgery, the petitioner joined the duty on 24.05.2018 and he was transferred from Soolur Depot to Ondipudhur Depot. Thereafter, the petitioner was given light duty for two months from 26.06.2018 to 25.08.2018. On 01.12.2018, the petitioner was transferred from Ondipudhur Depot to Uppilipalayam Depot so as to provide light duty there. However, after joining Uppilipalayam Depot he was asked to work as conductor in the route which has duty for more than seventeen hours.

4. On 12.07.2019, the petitioner once again transferred from Uppilipalayam to Pollachi. Thereafter, the petitioner sent a leave application which was refused by the Branch Manager and a charge memo was issued to the petitioner on the ground of unauthorized absence. The petitioner submitted representation/ explanation and requested the respondent Corporation to provide him light duty. However, till date the said representation/ explanation was not considered. Therefore, the present Writ Petition has been filed.

5. The learned counsel for the petitioner would submit that due to the health issue, the petitioner has not been able to do the regular job, hence, he made representation for an alternative employment. He would further submit that it would be suffice to issue direction to the respondents to refer the petitioner to Medical Board for Medical Examination and on the basis of the

Medical report, the respondents shall provide the alternative employment to the petitioner.

6. The learned Government Advocate conceded the request made by the learned counsel for the petitioner.

7. In view of the above, I am inclined to issue direction to the 1st respondent to refer the petitioner's case to the Medical Board for the Medical Examination, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Medical Board has to produce the Medical report of the petitioner to the 1st respondent within a period of four weeks. On such report, the respondent Corporation shall take a decision to provide alternative employment to the petitioner or not, within a period of two weeks thereafter.

8. The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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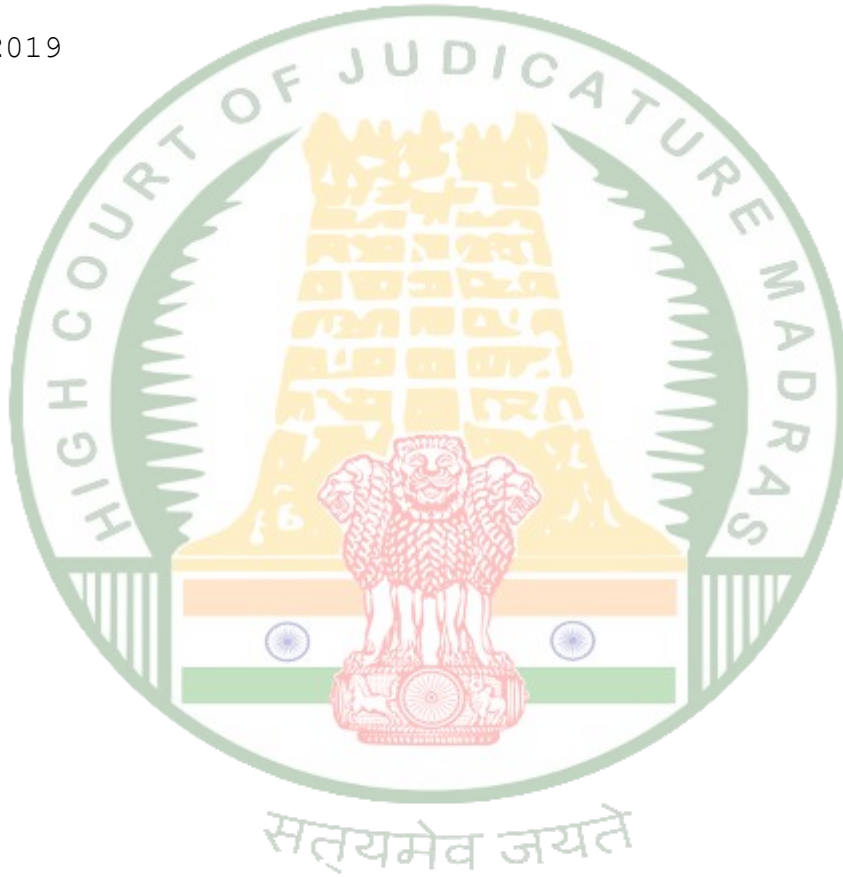
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+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.90189
+1cc to Mr.R.S.Selvam, Advocate, S.R.No.90841
+1cc to the Government Pleader, S.R.No.90676

W.P.No.30824 of 2019 &
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KJ(CO)
CS/30/12/2019



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