

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8842 of 2019**

WEB COPY

M.Malarmani

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Town Branch,
Pudukkottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to refer the petitioner to the medical board of any Government Hospital to ascertain his physical fitness to work as Driver at Pudukkottai Town Branch of the first respondent corporation and consequently direct the respondents to provide him suitable alternative employment with pay protection, continuity of service and backwages from 01.07.2018 to till the date on which alternative employment is provided to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to refer the petitioner to the medical board and consequently, direct the respondents to provide him suitable alternative employment with pay protection, continuity of service and backwages from 01.07.2018 to till the date on which alternative employment is provided to him.



2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned counsel, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that he was serving as Special Grade Driver in the first respondent Corporation. While driving, he lost his consciousness, since he was suffering from high blood pressure and severe diabetes and he could not perform his duty as Driver and so, the petitioner requested for referring him to the Medical Board and sought alternative employment, by representation, dated 06.10.2018, which is kept pending without there being any orders passed. Having no other remedy, the petitioner is before this Court.

4. The learned counsel appearing for the respondents, on instructions, submitted that the representation of the petitioner would be considered on merits.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 06.10.2018, seeking to refer the petitioner to the medical board and provide him alternative employment and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

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

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai.



3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Town Branch,
Pudukkottai.

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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-60799[F] dated 12/04/2019)
+1 CC to M/s.A.RAHUL, Advocate (SR-60872[F] dated 12/04/2019)

W.P (MD) No.8842 of 2019
12.04.2019

ES/30.04.2019/3P/6C