



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 9977 of 2019

R.A.Manavalan : Petitioner

Vs.

- 1.The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.
3. The Branch Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Rockfort Branch, Trichy.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to provide him suitable alternative employment with pay protection, continuity of service and backwages from 24.08.2018 to till the date on which alternative employment is provided to him at Rockfort Branch of the first respondent within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman,
Standing Counsel

**ORDER**

This Writ Petition has been filed by the petitioner seeking direction to the respondents to provide him suitable alternative employment with pay protection, continuity of service and backwages from 24.08.2018 to till the date on which alternative employment is provided to him at Rockfort Branch of the first respondent within the time stipulated by this Court.

2. The grievance of the petitioner is that the petitioner was suffered from Triple Vessel Heart disease with severe LV dysfunction and hence, the petitioner has made a representation, dated 20.04.2016 to provide alternative employment to him.

3. The further grievance of the petitioner is that based on the medical report issued by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai the petitioner was provided with alternative employment from 01.08.2017 to 23.08.2018. From 24.08.2018 onwards, the alternative employment was denied by the respondents-2 & 3. Aggrieved over the same, the instant writ petition is filed by the petitioner seeking the relief to provide alternative employment to him.

4. Today, when the matter is taken up for hearing the learned Standing counsel appearing for the Tamil Nadu Transport Corporation has placed a communication, dated 25.06.2019. In the aforesaid communication the Transport Corporation has stated that the petitioner has appeared before the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai and the Medical committee has submitted a report by stating that the petitioner is not fit for driving and advised to provide alternative job. By accepting the said report, the Transport Corporation has provided a alternative job to the petitioner for a period of one year. The petitioner strongly relied upon the medical report and in the said report, the Medical committee has stated that the '*illness is not curable permanent disability*'. Therefore a proposal was submitted before the Managing Director for providing a temporary alternative job to the petitioner.

5. Taking note of the facts and circumstances and the communication of the Transport Corporation and in the interest of justice, this Court shall pass the following directions:

1. The Transport Corporation shall provide a suitable permanent alternative job to the petitioner in the light of the medical report issued by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai.
2. This Court directs the petitioner to approach the Transport Corporation for payment of any arrears of salary from 24.08.2018 to till the date on which alternative employment is provided to the petitioner and the same shall be considered by the Transport Corporation as early as possible.



6. With the above directions, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-71520[F] dated 26/06/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-71413[F] dated 26/06/2019)

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ES/23.07.2019/3P/5C