



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.15424 of 2019

WEB COPY

P.Senthilkumar

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Personal Assistant to the
District Collector (General),
Collectorate, Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to post the petitioner to the post of Junior Assistant, by transfer in service in Revenue Department, considering the petitioner's representation dated 10.06.2019, in the light of proceeding in A.No.76/A/2019-A, dated 23.04.2019.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondents to post him to the post of Junior Assistant, by transfer of service, in Revenue Department, considering his representation dated 10.06.2019, in the light of the proceedings of the learned Principal District Judge, Pudukkottai, in A.No.76/A/2019-A, dated 23.04.2019.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was appointed as Office Assistant on 07.07.2000 in the Revenue Department and thereafter, he was promoted as Jeep Driver on 04.07.2002. He developed acute back pain due to continuous driving of vehicles and therefore, it is very difficult for him to continue his duty as Driver. He is taking treatment in Amirtha Ortho Hospital at Pudukkottai and a medical



certificate has also been issued by the Doctor stating that he could not able to drive the vehicle, due to his health condition. Therefore, he made a representation, on 10.06.2019, requesting the respondents to post him as a Junior Assistant, but no action has been taken so far. Hence, the present Writ Petition.

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4.The learned counsel appearing for the petitioner submitted that the petitioner is unable to drive the vehicle due to the abovesaid health condition, as certified by the Medical Practitioner. The learned counsel further submitted that if the first respondent directs the petitioner to appear him before the Medical Board, the petitioner will co-operate and appear before the Medical Board.

5.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation will be considered based on the medical report submitted by the Medical Board, within the time limit prescribed by this Court.

6.In view of the submissions made by the learned counsel on either side, this Court is inclined to pass the following orders:-

(i) The first respondent is directed to refer the petitioner to the District Medical Board and obtain a report for considering the request of the petitioner.

(ii) The petitioner shall appear before the Medical Board as may be directed by the first respondent.

(iii) Based on the report of the Medical Board, the first respondent is directed to consider the petitioner's representation, dated 10.06.2019, and pass appropriate orders on merits and in accordance with law.

(iv) The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

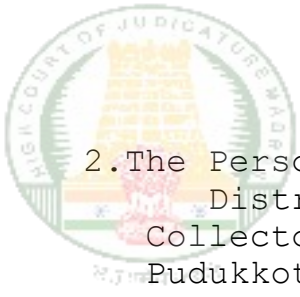
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Sub Assistant Registrar (CS-)

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The District Collector,
Pudukkottai District.



2.The Personal Assistant to the
District Collector (General),
Collectorate,
Pudukkottai District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-74486[F] dated 10/07/2019)

+1 CC to M/s.SPL GP (SR-75055[F] dated 12/07/2019)

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ES/15.07.2019/3P/5C