

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

DATED: 28.02.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.4979 of 2016**
and W.M.P(MD)No.4435 of 2016

A.Neelakandapillai

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region, Ranithottam,
Nagercoil.

... 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 provide the petitioner suitable alternate light duty with pay protection, continuity of service, backwages and all other attendant benefits payable from 03.04.2014 to till the date on which he was provided with alternate light duty by treating the period of his absence on account of his illness as duty with pay.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiya Singh

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to provide an alternate employment to the petitioner.

2.The case of the petitioner is that due to kidney ailment, the petitioner was not able to attend duty on 03.04.2014. Based on the medical reports, the petitioner sought alternative duty and submitted a representation to the respondents on 15.09.2014 and appeared for medical examination. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.



3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. On perusal of the typed-set of papers, it is found that the petitioner seeking alternative duty, sent a representation in the year 2014 and due to efflux of time, such prayer cannot be considered now. However, considering the facts and circumstances of the case, the petitioner is at liberty to submit a fresh representation to the respondents, if the position remains as such even today, within a period of two weeks from the date of receipt of a copy of this order and on filing such representation, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks thereafter.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region, Ranithottam,
Nagercoil.

+1CC TO MR.K.SATHIYA SINGH, Advocate Sr. No.50657

+1CC TO MR.A.RAHUL, Advocate Sr. No. 50733

W.P (MD) No. 4979 of 2016
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