

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

DATED: 04.09.2019

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI**W.P. (MD) No. 18996 of 2019**

WEB COPY

Deivendra Karupasami

... Petitioner

Vs.

1. The Managing Director of Administrative,
Tamil Nadu State Transport Corporation,
Head Office, Kumbakonam Zonal,
Railway Road, Kumbakonam Town,
Thanjavur District.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Head Office, Karaigudi Divisional,
Managiri Road, Karugudi Town,
Sivagangai District.

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
Madurai Ulaganeri Branch Office,
Karaugudi Divisional,
Kumbakonam Zonal.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refer to medical board based on the report from the medical board to provide alternative light duty (Non ITI Helper) to the petitioner forthwith in the suitable job with continuity of service, pay protection and with all attendant benefits within the time frame that may be stipulated by this Court based on the representation dated 27.07.2019.

For Petitioner : Mr.S.Sivaprakash

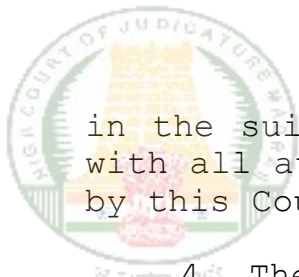
For Respondents : Mr.P.Balasubramanian

ORDER

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

2. Mr.P.Balasubramanian, learned counsel takes notice for the respondents.

3. The present writ petition is filed seeking for a mandamus directing the respondents to refer the petitioner to the medical board and based on the report from the medical board to provide alternative light duty (Non ITI Helper) to the petitioner forthwith



in the suitable job with continuity of service, pay protection and with all attendant benefits, within the time frame that may be fixed by this Court based on the representation dated 27.07.2019.

4. The petitioner while working as conductor suffered stroke and after treatment, he has lost the movement in one hand and one leg. During the annual medical check-up conducted by the respondents, the Doctor advised the petitioner to do light work. The petitioner made representation to the respondents on 27.07.2019 to provide alternate light duty. The respondents have not passed any orders on the representation of the petitioner. Hence, the petitioner has come up with the present writ petition for a direction to the respondents to refer him to the Medical Board and based on the report of the medical board to provide alternate light duty.

5. Mr.P.Balasubramanian, learned counsel appearing on behalf of the respondents submitted that the petitioner has not produced any medical records to prove his claim and hence, he is not entitled for the relief sought for and prayed for dismissal of the writ petition.

6. Heard learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

7. The petitioner is working as Conductor and according to him, due to stroke suffered while he was in duty, he did not do the regular work and the Doctor advised him to do light work.

8. In view of the above submissions, this Court directs the petitioner to give fresh representation to the second respondent enclosing all the medical reports, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to refer the petitioner to the Medical Board and on receiving such report from the Medical Board to consider the representation of the petitioner, dated 27.07.2019, for alternate duty and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a report from the Medical Board.

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Managing Director of Administrative,
Tamil Nadu State Transport Corporation,
Head Office, Kumbakonam Zonal,
Railway Road, Kumbakonam Town,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Head Office, Karaigudi Divisional,
Managiri Road, Karugudi Town,
Sivagangai District.

+1 CC to MR.S. SIVA PRAKASH, Advocate (SR-85049[F] dated
04/09/2019)

+1 CC to MR.P. BALASUBRAMANIAN, Advocate (SR-85120[F] dated
04/09/2019)

W.P. (MD) No.18996 of 2019
04.09.2019

am

MK (17.09.2019) 3P 5C