

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.09.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.16693 of 2013
and
M.P.Nos.1 & 2 of 2013

R.Dhananjeyan

.. Petitioner

- Vs -

1.Tamilnadu State Transport
Corporation (Salem) Ltd,
Rep. By its Managing Director,
12, Ramakrishna Salai,
Salem 7.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd
Dharmapuri Region,
Bharathipuram
Dharmapuri 5.

3.The Joint Director of
Rural and Health Services,
Dharmapuri medical Board,
Dharmapuri.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents 1 and 2 to provide the petitioner forthwith suitable alternative employment in commensurate with the petitioner physical condition and also based on the report of the 3rd respondent medical board with continuity of service back wages and all other service and attendant benefits from 7.2.2012 after adjusting the salary already paid award costs.

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For Petitioner : M/S.V.Ajoy Khose

For Respondents: Mr.D.Raghu for RR1 to 2

ORDER

The writ petitioner has filed the petitioner to direct the respondents 1 and 2 to provide the petitioner forthwith suitable alternative employment in commensurate with the petitioner physical condition and also based on the report of the 3rd respondent medical board with continuity of service back wages and all other service and attendant benefits from 7.2.2012 after adjusting the salary already paid award costs.

2.The case of the petitioner is that the petitioner joined services of the 1st respondent Corporation as Driver in the year 1999 and he was posted to work at Uthangarai Depot which is functioning under the control of the 2nd respondent. While he was performing his duty, he met with an accident. Thereafter he made representation to the respondents to give alternative employment in a lighter duty. However that request was not considered till date and, therefore, left with no other alternative, the petitioner filed this petition with the above said prayer.

3. When the case is taken up for hearing, learned Counsel appearing for the petitioner submitted fairly conceded that though the petitioner has filed the writ petition in the year 2013 seeking alternative employment of lighter duty, however till date no alternative employment was given to the petitioner.

4. In view of the fair stand taken by the learned counsel for the petitioner that the petitioner is continuing in the same post even after the representation made in the year 2013, this Court is of the considered opinion that the petitioner having continued in service for a period of almost 7 years from the date of his representation, the prayer for alternative employment, as claimed for by the petitioner does not arise at this distant point of time, as the petitioner is able to continue functioning in the said post even as of date. In such circumstances, this petition stands dismissed. Consequently connected miscellaneous petition is closed. There shall be no order as to costs. However this order will not stand in the way of the petitioner to submit fresh representation for alternative employment, if he is suffering ailment still and if any such representation is filed, the respondents shall consider the same and pass orders in accordance with law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs
To

1.Tamilnadu State Transport
Corporation (Salem) Ltd,
Rep. By its Managing Director,
12, Ramakrishna Salai,
Salem 7.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd
Dharmapuri Region,
Bharathipuram
Dharmapuri 5.

3.The Joint Director of
Rural and Health Services,
Dharmapuri medical Board,
Dharmapuri.

+1 cc to M/s.D.Raghu, Advocate Sr.No. 28936
+1 cc to M/s.V.Ajay khose, Advocate Sr.No. 28857
+1 cc to The Government Pleader, Sr.No. 28979

W.P. NO.16693/2013

VGI (CO)
RMP (14/10/2020)