



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.4583 of 2020

Mahendran

...Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Zone,
Madurai.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Byepass Road,
Madurai - 16.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 28.12.2019, passed by the 1st respondent served on 11.01.2020 and quash the same and consequently direct the 1st respondent to provide an alternative work.

For Petitioner : M/s.Ramu

For Respondents : Mr.J.Senthilkumaraiah

O R D E R

This Writ Petition is filed to quash the impugned order dated 28.12.2019 passed by the first respondent and further to direct the 1st respondent to provide an alternative work to the petitioner.

2. The case of the petitioner is that while the petitioner was working as a Conductor with the respondent corporation, he met with an accident, due to which, he is not able to stand continuously. Hence, he preferred a representation to the respondent, seeking an alternative work. Since no action has been taken by the respondent, the petitioner has preferred W.P.(MD)No.2406 of 2013, before this Court and as per the order of this Court, the petitioner appeared before the Medical Board, and the Medical Board in turn has given a report stating that "With this subtle left upper and lower limb weakness he has disability less than twenty five percentage (25%), which no way interfere with his conductor job. Based on the report, the claim of the petitioner has been rejected by the respondents. For the subsequent representations made by the petitioner seeking alternative work, no effective steps have been taken. The petitioner has made many attempts before the respondent for the relief of alternative work. Since all are vain, the petitioner is before this Court with this present Writ petition.

3. The learned counsel for the petitioner submitted that the

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petitioner is not able to stand continuously for a long time and not able to perform his duty as conductor. Also, at present he is aged 48 years. Hence, learned counsel prays this Court to quash the impugned order rejecting the claim of the petitioner and further seeks direction to the respondent to give alternative work.

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4. On going through the submissions made by the learned counsel for the petitioner, it is to be noted that the order referring the petitioner to the Medical Board has been passed during the year 2013. Based on the Medical Report, the respondent has rejected the claim of the petitioner. Further representations made by the petitioner for alternative work have not been considered and for sometimes, the same has been rejected by the respondents. Now the petitioner has come before this Court, for the same relief sought for by him during 2013. Hence, in my opinion, it is appropriate to refer the petitioner once again to the Medical Board and on receipt of Medical Report from the Board, the respondent shall pass appropriate orders.

5. In view of the above, the impugned order dated 28.12.2019 passed by the 1st respondent is hereby set aside and the petitioner is referred to the Medical Board once again and based on the Medical Report of the Board, the respondent shall pass appropriate order, in accordance with law, taking into consideration the petitioner's age. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

1. The General Manager,
Tamil Nadu State Transport Corporation, Madurai Zone, Madurai.

2. The Managing Director,
Tamil Nadu State Transport Corporation, Bypass Road, Madurai- 16.
+1 CC to M/s.M.RAMU, Advocate (SR-10638[F] dated 09/03/2020)
+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-10933[F])

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