



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12673 of 2020

(Through Video conferencing)

K.Suresh Kumar

... Petitioner

-Vs-

1. The Managing Director,
TNSTC Tirunelveli Ltd.,
Vannarapettai,
Tirunelveli District.

2. The General Manager,
TNSTC, Tirunelveli Division,
Nagercoil Region, Rani Thottam,
Nagercoil.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to consider the medical board report dated 14.02.2018 to allot the alternative work in favour of the petitioner's representation dated 09.09.2020.

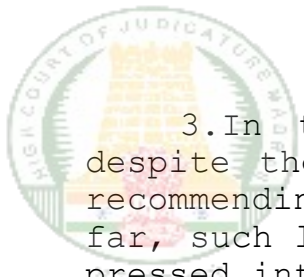
For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.S.Rajamohan, Standing Counsel

ORDER

The Prayer sought for in this writ petition is for a writ of Mandamus, to consider the medical board report dated 14.02.2018 to allot the alternative work in favour of the petitioner's representation dated 09.09.2020.

2.The petitioner had been working as Conductor in the respondent Transport Corporation. While so, on 07.08.2015, while he was in duty, due to some accident, one of his eye got affected. Therefore, he seems to have undertaken some eye surgery. Thereafter, he has been subjected to medical examination before the medical board at Kanyakumari Medical College Hospital at Nagercoil, where, after examining the petitioner, they sent a report on 14.02.2018, whereby, it has been certified that the petitioner was not fit to continue either as a Driver or as a Conductor. However, he was recommended to be considered for giving light duty.



3. In this context, it is the case of the petitioner that, despite the recommendations having been made by the medical board recommending the respondents to give the petitioner light duty, so far, such light duty has not been given and he has been continuously pressed into service as Conductor, despite his eye problem. In this context, the petitioner has given two representations, one is in the year 2018 i.e., on 26.03.2018 and the latest one is on 09.09.2020 and these representations also since have not been considered, according to the petitioner, this writ petition has been filed with the aforesaid prayer.

4. The learned counsel appearing for the petitioner would submit that, he would be ready and willing to appear before any medical board, for which, the petitioner is referred to as desired by the respondent Transport Corporation and thereafter, on examining the petitioner, based on the medical report, let the plea of the petitioner can be considered by the respondents for giving light duty to the petitioner.

5. On the other hand, the learned standing counsel appearing for the respondents, on instructions, would submit that, the petitioner had been given request on 18.04.2018, 25.04.2018 and 02.05.2018 to appear before medical board, in order to check his medical status and to get a report latest, so that, a decision can be taken by the respondents as to whether light duty has to be given to the petitioner or not. However, the petitioner has not come forward to appear before the medical board, despite, series of request has been made as has been stated above. Therefore, the learned standing counsel appearing for the respondents would submit that, even if the petitioner now comes forward to appear before the medical board, certainly, arrangement would be made to that effect by the Transport Corporation and after appearing before the medical board, depending upon the report to be submitted by the medical board, the respondents shall take necessary action accordingly.

6. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7. In view of the said submissions made by both sides and since the petitioner also is ready and willing to appear before the medical board as desired by the Transport Corporation, this Court is inclined to dispose of this writ petition with the following order:

"The respondents shall send a fresh communication to the petitioner for appearing before the medical board afresh by fixing a date and on receipt of such communication, the petitioner shall appear before the medical board and once the petitioner appeared, the medical board, after examining him, would send report to that effect to the respondent Transport Corporation, who



on receipt of the same, shall decide the issue depending upon the outcome of the report to be submitted by the medical board as to whether the petitioner can be given a light work or not. The needful as indicated above shall be undertaken by the respondents within the outer time limit of three months from the date of receipt of a copy of this order and final order accordingly shall be passed after getting medical report as indicated above within a period stipulated above."

8. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Managing Director,
TNSTC Tirunelveli Ltd.,
Vannarapettai,
Tirunelveli District.

+1cc to Mr.R.Rajamohan, Advocate, SR.No.18195.

Order made in

W.P. (MD) No.12673 of 2020

25.09.2020

CK (CO)

CS (07.01.2021) 3P 3C