

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5611 of 2021

M.Ravikumar

... Petitioner

-vs-

The General Manager,
Tamilnadu State Corporation Villupuram Ltd.,
Vellore Division,
Vellore.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondent to provide light duty office work to the petitioner considering his health condition based on his representation dated 17.02.2021.

For Petitioner : Ms.S.Vinodha

For Respondent : Mr.C.S.K.Sathish

O R D E R

This Writ petition is filed, seeking to direct the respondent to provide light duty office work to the petitioner considering his health condition based on his representation dated 17.02.2021.

2. Mr.C.S.K.Sathish, learned counsel, takes notice for the respondent. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. It is the case of the petitioner that the petitioner was working as a conductor in Tamil Nadu State Transport Corporation, Pernampet depot, Vellore Division Vide Staff No.C1802. He was appointed as a conductor on 12.09.2021 on temporary basis and regularised as a daily wage conductor on 31.07.2015. In the year 2014, he was diagonalised with diabetics, BP and Colostral and therefore, he is frequently affected by BP and is getting gudiness and could not travel in the bus. He also took the treatment in CMC hospital regularly. Due to his ill-health, he could not travel long distance. He made several representations to the respondent to provide light duty / office work enclosing all medical certificates. Due to his ill-health, he is not able to work effectively. Recently he made representation to the representation on 17.02.2021. However, there is no fruitful action.

4. Considering the facts and circumstances of this case, if

the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 17.02.2021, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 17.02.2021 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

kmm

To

The General Manager,
Tamilnadu State Corporation Villupuram Ltd.,
Vellore Division,
Vellore.

W.P.No.5611 of 2021

SKY (CO)
KKN 20.04.2021



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