



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.11022 of 2021

WEB COPY

P.Nagarajan

... Petitioner

vs.

1.The Branch Manager,
T.N.S.T.C (TNV) Limited,
Colachel Road,
Monday Nagar,
Monday Nagar Depot,
Kanyakumari District - 629 802.

2.The General Manager,
T.N.S.T.C (TNV) Limited,
Nagercoil Region Office,
Nasamony Nagar,
Ranithottam,
Nagercoil,
Kanyakumari District - 629 001.

3.The Executive Director,
T.N.S.T.C (TNV) Limited,
23/2, Thoothukudi Main Road,
KTC Nagar,
Tirunelveli - 627 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to directing the respondents to consider the petitioner's representation, dated 03.06.2021, by allotting any other duty to the petitioner instead of Conductor.

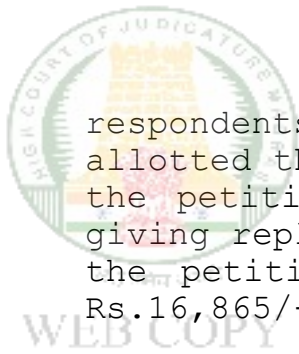
For Petitioner : Mr.S.Ram Prasad

For Respondents : Mr.R.Rajamohan

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to consider his representation, dated 03.06.2021, by allotting any other duty to him instead of Conductor.

2.According to the petitioner, he was working as a Conductor at Monday Nagar Depot of the Tamil Nadu State Transport Corporation at Nagercoil. While so, he underwent major surgery on his leg. Hence, he could not stand for a long time. The petitioner requested the



respondents to allot alternate duty. The respondents have not allotted the work either as a Conductor or alternate duty. Whenever, the petitioner approaches the respondents, they were evading from giving reply. In the month of April, 2021, without allotting work to the petitioner, marked him as on leave and paid only a sum of Rs.16,865/- as salary instead of Rs.42,400/-.

3.The learned counsel appearing for the petitioner submitted that no salary was paid for the month of May. The petitioner gave a representation, dated 03.06.2021 to the respondents to allot him alternate work. So far no order has been passed. Hence, the petitioner has come out with the present Writ Petition.

4.When an employee, for any reason, is unable to do his regular work, he is entitled to allot alternate employment with pay protection. In the present case, the petitioner is seeking alternate work, due to his major surgery in his leg and he is unable to stand for a long time and discharge his duty as a Conductor. The respondents have not considered such request and not passed any order in posting the petitioner. Considering the above facts, it is a fit case to direct the respondents to refer the petitioner to the Medical Board and based on the report of the Medical Board, the respondents are directed to allot duty to the petitioner and further, the respondents are directed to pay the salary to the petitioner regularly forthwith.

5.With the above directions, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

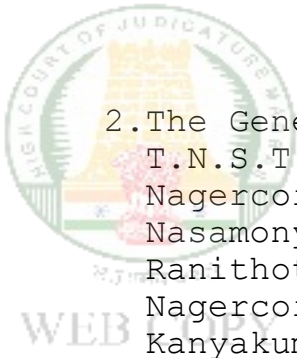
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate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

To

1.The Branch Manager,
T.N.S.T.C (TNV) Limited,
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<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager,
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T.N.S.T.C (TNV) Limited,
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+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-22250[F] dated 13/07/2021)

+1 CC to M/s.S.RAMPRASATH, Advocate (SR-22261[F] dated 13/07/2021)

W.P (MD) No.11022 of 2021
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RD(30.07.2021) 3P 6C