



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont. P. (MD) No. 1622 of 2021

in

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

K.Suresh Kumar

...Petitioner

Vs.

1.Rajeswaran

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

2.Aravindh,

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

....Contemnors/Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent for wilfully disobeying and not complying with the order of this Court dated 25.09.2020 in W.P. (MD) No. 12673 of 2020.

Prayer in WP(MD) . 12673/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order or direction more particularly in the nature of writ of mandamus to consider the medical board report dated 14.02.2018 to allot the alternatice work in favour of the petitioners representation dated 09.09.2020

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.R.Rajamohan
Standing Counsel

O R D E R

This Contempt Petition has been filed to punish the respondents for their wilful disobedience of the order passed by this Court on 25.09.2020 in W.P(MD).No.12673 of 2020.



2. This Court has passed an order on 25.09.2020 as follows:-

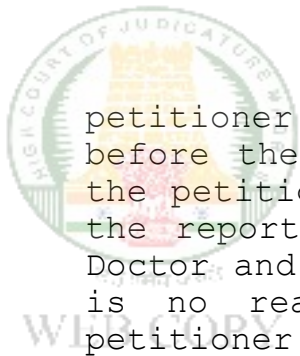
7. In view of the said submissions made by both sides and since the petitioner also is ready and willing to appear before the medical board as desired by the Transport Corporation, this Court is inclined to dispose of this writ petition with the following order:

"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."

3. The learned counsel appearing for the petitioner made a submission that the order passed by this Court has not been complied with. However, the respondents filed a Memo along with the documents.

4. The Memo states that the case of the petitioner was referred to appear before the Medical Board at Regional Institute of Ophthalmology and Government Ophthalmic Hospital, Egmore, Chennai on 04.03.2021 vide letter dated 10.02.2021 and it was informed by the Hospital Authorities vide Lr.No.0722/MaKu/2021 dated 28.04.2021 that the petitioner refused to undergo medical checkup and argued with the Doctors and left out from the hospital without any intimation. A copy of the report of the Doctors was enclosed.

5. The letter dated 28.04.2021 issued by the Director of Regional Institute of Ophthalmology and Government Ophthalmic Hospital, Egmore, Chennai, reveals that the petitioner appeared on 04.03.2021 and he picked up quarrel with the Doctors and left out from the hospital without any intimation. The medical examination Receipt No.6241948 dated 04.03.2021 was also referred in the said letter. Therefore, it is made clear that the petitioner appeared before the Medical Board and paid the necessary charges as the receipt proof is also referred in the order passed by the Director. When the



petitioner made an undertaking before this Court that he will appear before the Medical Board and accordingly, the respondents referred the petitioner to the Medical Board and the Medical Board submitted the report stating that the petitioner picked up quarrel with the Doctor and left out from the hospital without any intimation, there is no reason to consider the contempt petition. The contempt petitioner has acted unbecoming of a government servant even before the Medical Board and therefore, this Court is not inclined to consider this contempt petition.

6. Accordingly, the Contempt Petition stands dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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

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

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-17855[F] dated 11/04/2022)

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KMV(CO)

RK(22/04/2022) 3P 4C