



W.P.No.159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM :

The Hon'ble MR.JUSTICE ABDUL QUDDHOSE

**W.P. No.159 of 2023
and W.M.P.Nos.150 to 153 of 2023**

K.Nageswaran

-VS-

.. Petitioner

1. Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Rep. by its
Managing Director, 37, Mettupalayam Road,
Coimbatore 641 043.
2. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Coimbatore Region,
37, Mettupalayam Road, Coimbatore 641 043.
3. The Branch Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Head Office Branch,
Mettupalayam Road, Coimbatore 641 043.
4. The Dean,
Government Medical College Hospital,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to direct the respondents to



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provide the petitioner suitable alternative employment, on permanent basis, in commensurate with the petitioner health condition, with continuity of service, pay protection, back wages and other service benefits and to treat the entire period from 21.09.2022 till date, during which he was not given light duty, as duty with pay for all purposes and to pay him salary for 120 days of earned leave which he has surrendered with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.A.Vinoth Raj
Stdg. Counsel for RR 1 to 3
: Mr.Stalin Abimanyu
Addl. Govt. Pleader for R4

* * * * *

ORDER

This writ petition has been filed for a mandamus seeking for a direction to provide the petitioner with alternative employment on permanent basis on account of his health condition with continuity of service, pay protection, backwages and other benefits and to treat the entire period of leave from 21.09.2022 as period of duty based on the petitioner's representation dated 07.12.2022 within a time frame to be fixed by this Court.



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2. The grievance of the petitioner is that due to his health condition, he is unable to lift heavy items and is unfit for carrying on the duty as technical staff. According to the petitioner, as technical staff, he was forced to do heavy work and therefore, his shoulder problem got aggravated. According to him, he was also not sent to the Medical Board by the respondent Transport Corporation for his medical assessment. The petitioner seeks for an alternative employment on account of his health condition, on account of which, he has not gone for work from 21.09.2022. He has also sought for a direction to the respondent Corporation to treat the period of his absence, that is from 21.09.2022, as period of duty. A comprehensive representation was sent by the petitioner seeking for the reliefs sought for in this writ petition on 07.12.2022. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.R.Krishnaswamy, learned counsel for the petitioner, Mr.A.Vinoth Raj, learned standing counsel for the respondent Corporation and Mr.Stalin Abimanyu, learned Additional Government Pleader for the fourth respondent College.



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4. On instructions, the learned standing counsel appearing for the respondent Corporation would submit that a charge memo has been issued to the petitioner on account of his unauthorised absence from duty. He would submit that if a reply is sent by the petitioner stating his objections to the charge memo, the respondent Transport Corporation will refer the petitioner to the Medical Board for his medical assessment. The said statement made by the learned standing counsel appearing for the respondent Corporation is recorded.

5. No prejudice would be caused to the respondents if the petitioner's representation, referred to supra, seeking for an alternative employment and other benefits on account of his health condition, is considered on merits and in accordance with law by the respondents within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the respondents 1 to 3 to pass final orders on the petitioner's representation dated 07.12.2022 seeking for an alternative employment on permanent basis on account of his present health condition with continuity of service,



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pay protection, backwages and other benefits and to treat the entire period of leave from 21.09.2022 as period of duty and also refer him to the Medical Board for his medical assessment, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.150 to 153 of 2023 are closed.

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Index : Yes/No

Speaking/non-speaking order

sra

To

1. The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., 37, Mettupalayam Road,
Coimbatore 641 043.
2. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Coimbatore Region,
37, Mettupalayam Road, Coimbatore 641 043.
3. The Branch Manager,
Tamilnadu State Transport Corporation
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Abdul Quddhose, J.

(sra)

4. The Dean,
Government Medical College Hospital,
Coimbatore.

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