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Writ Petition No.3416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3416 of 2023 and
W.M.P.No.3482 of 2023

S.Muthiah

... Petitioner

Vs.

1. Metropolitan Transport Corporation
(Chennai) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai – 02.

2. The Senior Deputy Manager (HR)
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Salai,
Chennai – 02.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to provide the petitioner suitable alternative employment on permanent basis in commensurate with his health condition, with continuity of service, pay protection, back wages and other service benefits and to treat the entire period from September 2012 till date during which he was not given light duty as duty with pay for all purposes, award costs.



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For Petitioner : Ms.H.Nandhini

For Respondent : Mr.R.Balaji
Standing counsel

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to provide the petitioner with suitable alternative employment on permanent basis commensurate with his health condition with continuity of service and other attendant benefits.

2. The case of the petitioner is that he was working as a Conductor in the respondent Corporation. During the year 2016, he suffered a paralytic attack and hence, underwent treatment. The petitioner, thereafter, requested the respondent Corporation to provide him with light duty. From the year 2017 onwards, the petitioner was referred to the Medical Board and the certificates were also issued by the Medical Board by pointing out that the petitioner is suffering from more than 50% disability. Even in the year 2021, the petitioner was referred to the Medical Board and the Medical Board clearly certified that the petitioner was unfit to undertake regular duty.



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3. In view of the above, the petitioner was again given light duty as helper till 09.02.2022.

4. According to the petitioner, the respondent Corporation is well aware that the petitioner is suffering from serious health ailment and he is the only bread winner of the family. Hence, instead of providing the petitioner with light duty, which is in commensurate with the health condition of the petitioner, an attempt is being made to discharge the petitioner from service. Aggrieved by the same, the present writ petition has been filed seeking for appropriate directions.

5. Heard Ms.H.Nandhini, learned counsel for petitioner and Mr.R.Balaji, learned Standing Counsel appearing for the respondent.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the Medical Board has been continuously assessing the petitioner and finding that he is unfit for doing regular job, there shall be a direction to the first respondent to consider the representations made by the petitioner on 13.12.2022, 29.12.2022 and 11.01.2023 and deal with the same on its own merits and in



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accordance with law and a decision shall be taken within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm



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To

1. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai – 02.

2. The Senior Deputy Manager (HR)
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Salai,
Chennai – 02.



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N.ANAND VENKATESH, J

rap

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