



W.P.No.11150 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.11150 of 2017

and

W.M.P.No.12080 of 2017

E.Devendrakumar

... Petitioner

Vs.

1.The Metropolitan Transport Corporation,
Represented by its
Managing Director,
Pallavan Salai, Chennai - 600 002.

2.The Joint Manager (Employer's Section),
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

3.The General Manager (Employer's Section),
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

4.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Salai, Chennai - 600 002.

... Respondents



W.P.No.11150 of 2017

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the Senior Manager of the third respondent in his Memo No.11674/PS(A)2/MTC/2009 dated 10.04.2017 and also the Deputy Manager of the third respondent Memo No.26045/CPBI/MTC/2017 dated 10.04.2017 and quash the same.

For Petitioner : Ms.D.Prasanna

For Respondents : Mr.R.Balaji
Standing Counsel for MTC

ORDER

The petitioner challenges the memo dated 10.04.2017 issued by the respondents.

2. The petitioner was originally employed as a conductor in the respondents' Corporation and unfortunately he met with an accident and therefore, he could not discharge his duties as a conductor.

3. It is the grievance of the petitioner that without considering his physical disability, the impugned memos came to be passed. It is also stated that the impugned memos appear to be vindictive in nature



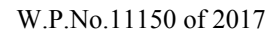
W.P.No.11150 of 2017

because the petitioner had earlier filed W.P.No.16029 of 2014 and obtained a favourable order and was also constrained to initiate contempt proceedings for wilful disobedience of the said order.

4. It is also stated that only during the pendency of the contempt petition, the earlier order came to be complied with. On these grounds, the petitioner challenges the impugned memos.

5. Per contra, the learned Standing Counsel for the respondents' Transport Corporation would submit that the petitioner was called upon to appear before the Medical Board and despite several opportunities being given, the petitioner did not choose to appear and therefore, the impugned memos need not be set aside.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents' Transport Corporation. This Court has perused the records.



10. The learned counsel for the petitioner would contend that the petitioner could not appear before the Medical Board because of his physical condition and if one more opportunity is given, the petitioner would appear before the Medical Board so that his physical disability can be assessed and a final decision can be taken with regard to his employment as also the impugned memos.



W.P.No.11150 of 2017

WEB COPY

11. Considering the above, this Court directs the petitioner to appear before the Medical Board as may be scheduled by the respondents after giving the petitioner an advance notice of atleast one week and on getting the petitioner assessed by the Medical Board, the respondents shall take a final decision with regard to the posting of the petitioner in an appropriate position in Transport Corporation.

12. The respondents shall take expeditious steps to arrange for examination of the petitioner before the Medical Board.

13. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

23.06.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes / No

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W.P.No.11150 of 2017

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To

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Chennai - 600 002.
- 2.The Joint Manager (Employer's Section),
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Pallavan Salai,
Chennai - 600 002.
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P.B.BALAJI, J.

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