



W.P.(MD)No.3994 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3994 of 2023
W.M.P(MD).No.3868 of 2023

S.Sivakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation (TNSTC),
Tirunelveli.

2.The General Manager,
Tamil Nadu Transport Corporation (TNSTC),
Ranithotam, Nagercoil,
Kanniyakumari District.

3.The Divisional Manager,
Tamil Nadu Transport Corporation (TNSTC),
Ranithotam, Nagercoil,
Kanniyakumari District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioner to continue his job (light duty) till his



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superannuation without any hindrance, within a stipulated time frame.

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For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.D.Jebaraj

ORDER

This Writ Petition has been filed for a direction to the respondents 1 to 3 to permit the petitioner to continue his job (light duty) till his superannuation without any hindrance, within a stipulated time frame.

2. The case of the petitioner is that the petitioner was appointed as Driver on 01.10.1998 and he had been working as Driver at Kuzhithurai Depot Tamil Nadu State Transport Corporation, Padanthalumodu Depot for the past 18 years. In the year 2017, he was affected by partial paralysis and was granted one year leave without salary. Thereafter, he was advised by the second respondent to attend the medical board examination and get the Fitness Certificate. After conducting medical checkup, a report was issued on 15.02.2018 stating that the petitioner is



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not fit to work as Driver. While so, on 09.05.2021, he suffered from heart attack and underwent Bypass Surgery. Thereafter, the petitioner was denied to join duty by the respondents and advised to attend the Medical Board, Chennai and get the fitness Certificate. Accordingly, the petitioner went to the Medical Board, Chennai, on 23.12.2021 to get fitness Certificate to join the duty. Thereafter, the Medical Board has recommended the petitioner to join the light duty and the petitioner worked for nine months. However, on 31.12.2022, the respondents did not allow the petitioner to continue his work. Hence, he made a representation to the respondents on 11.01.2023. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representation of the petitioner, dated 11.01.2023, on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation, dated 11.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

27.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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To

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M.DHANDAPANI,J.

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