

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4915 of 2023
and
W.M.P.(MD)No.4598 of 2023

M.Prabhakaran

... Petitioner

Vs.

1.The Secretary to Government,
and Chairman of State Public Transport,
Undertakings, Transport Department,
Fort St.George,
Chennai.-9.

2.The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Rep. By its Managing Director,
Bypass Road, Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Madurai.

... Respondents

(R4 is deleted from the array of parties vide order
dated 07.03.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents to

forthwith provide duty to him in the post of Deputy Manager of 2nd respondent corporation along with wages payable from 24.05.2022 to till the date on which the duty is provided to him.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.K.Balasubramani
Special Government Pleader for R1

: Mr.S.Ramachandra Pradeep
Standing Counsel for R2 & R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 and the learned standing counsel appearing for R2 & R3.

2. The petitioner joined TNSTC as Assistant Engineer in the year 1996. He was promoted as Assistant Manager on 26.11.2008. He became Deputy Manager on 31.08.2018. He had put in 26 years of service. He had suffered a mild stroke with effect from 13.06.2018. The management felt that the petitioner is having psychiatric issues. He was therefore referred to the Institute of Mental Health, Kilpauk, Chennai. Their observation report has been enclosed at Page No.27 of the typed set of papers. The report clearly reads that the petitioner is not having any cognitive impairment and that he has no

psychiatric disability. The medical board of Rajiv Gandhi Government General Hospital, Chennai had also stated that the petitioner is physically fit to resume his duties with effect from 21.01.2013. The said certificate is enclosed at Page No.33 of the typed set of papers. The respondent cannot claim that the petitioner did not submit the certificate of fitness to return to duty. When the petitioner has taken trouble to file the writ petition, he would have definitely moved the management before coming here. The petitioner being a permanent employee of the respondent corporation cannot be treated in this fashion.

3. The management / respondents 2 & 3 are directed to post the petitioner and assign his duties to the post of Deputy Manager forthwith and without any delay. There is absolutely no reason for denying him to work from 25.05.2022. The petitioner shall also be paid arrears of the salary with effect from the said date. This shall be done within a period of eight weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.

rmi

To

The Secretary to Government,
and Chairman of State Public Transport,
Undertakings, Transport Department,
Fort St.George,
Chennai.-9.

W.P(MD)No.4915 of 2023

23.03.2023