



W.P.(MD)No.5708 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5708 of 2022

and

W.M.P(MD)Nos. 4553 and 4555 of 2022

C.Babu Rajan

... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Street,
Chennai – 600 002.

2.The General Manager(O & A),
State Express Transport Corporation Ltd.,
Pallavan Street,
Chennai – 600 002.

3.The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari – 629702,
Kanyakumari District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Circular No.00141/HR3/SETC/2014,



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dated 21.02.2022 on the file of the second respondent and consequential impugned communication in Letter No.055698/Ma.Va.3/A.Vi.Po.Ka/2016, dated 21.03.2022 and quash the same as illegal and consequently, to direct the respondents to consider the petitioner for promotion to the post of Checking Inspector by including the name of the petitioner in the panel of Selection Grade Senior Conductor for promotion to the post of Checking Inspector within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Louis
For Respondents : Mr.K.Sathiyasingh

ORDER

This Writ Petition has been filed to quash the impugned circular issued by the second respondent in Circular No.00141/HR3/SETC/2014, dated 21.02.2022 and consequential impugned communication in Letter No.055698/Ma.Va.3/A.Vi.Po.Ka/2016, dated 21.03.2022 and consequently, to direct the respondents to consider the petitioner for promotion to the post of Checking Inspector by including the name of the petitioner in the panel of Selection Grade Senior Conductor for promotion to the post of Checking Inspector within a stipulated period.



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2. The case of the petitioner is that he is a person with 50% disability and he possesses a Disability Certificate to that effect and he was selected and appointed as a Conductor under the disability category. As the petitioner could not continue his duty as a Conductor, he was given light duty as Controller in the Control Section from 01.11.2012. While so, from 27.07.2016 onwards, the petitioner was not permitted to serve as a Controller and not allowed to sign in the attendant register. Subsequently, pursuant to the orders passed by this Court, alternative employment was given to the petitioner in the cadre of Selection Grade Senior Conductor with pay protection. The grievance of the petitioner is that he is the senior most person and he is entitled for Checking Inspector Post. However, the petitioner's name was not found in the impugned panel. Subsequently, the petitioner offered his objections within time. However, the second respondent issued the impugned communication, dated 21.03.2022, rejecting the request of the petitioner. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to refer the petitioner to Medical Board, to get an opinion whether the petitioner is fit for Checking Inspector Post and if the petitioner is fit for the said post, the petitioner's request may be considered for inclusion of his name in the panel.

4. The learned Standing 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 appearing for the petitioner, this Court, without interfering with the impugned circular and the consequential communication, directs the respondents to refer the petitioner to the Medical Board, Rajiv Gandhi Government General Hospital, Chennai, within a period of four weeks from the date of receipt of a copy of this order and get a report from the Medical Board, whether the petitioner is fit for the post of Checking Inspector or not. On receipt of receipt of report from the Medical Board, the respondents management is directed to pass appropriate orders,



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within a period of four weeks thereafter.

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6. With the above direction, this writ petition is disposed of.

No Costs. Consequently, connected miscellaneous petitions are closed.

24.02.2023

PM

NCC:Yes/No

Index:Yes/No

Internet:Yes/No



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M.DHANDAPANI, J.

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