



W.P.(MD)No.11176 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11176 of 2020
W.M.P(MD).No.9760 of 2020

K.Suresh Kumar

... Petitioner

Vs.

1.The Managing Director,
TNSTC Tirunelveli Limited,
Vannarapettai, Tirunelveli District.

2.The General Manager,
TNSTC, Tirunelveli Division,
Nagercoil Region, Rani Thottam,
Nagercoil.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Letter No.2512/A2/TNSTC(Tili)/Nager/2020 dated 30.07.2020 and quash the same and to continue the petitioner regulation of the period of absence of during lock down period.



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For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.R.Rajamohan

ORDER

Challenging the letter No.2512/A2/TNSTC(Tili)/Nager/2020 dated 30.07.2020 issued by the second respondent, this Writ Petition has been filed.

2. The case of the petitioner is that he was appointed as Conductor on 01.06.2009 and now, he is working as Senior Conductor. On 06.08.2015, he was allotted the duty from Nagercoil to Kumili in route No.622B in bearing Vehicle No.TN 38 2494. When he was returning from Kumuli to Nagercoil, the vehicle met with an accident, due to which, he suffered with eye injury and was admitted in the hospital. Hence, he made an application for grant of leave in terms of G.O. (Ms).No.304, Revenue and Disaster Management (DM-II) Department,



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dated 17.06.2020. However, the said application was rejected on the ground that the petitioner has not suffered with disability and he is not aged above 55 years. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner has made an application for grant of special leave during COVID-19 period in view of the eye injuries suffered by him. However, the same was refused by the respondents without considering the medical certificate produced by him which is not sustainable one.

4. The learned counsel appearing for the respondents would submit that the petitioner has not produced any certificate with regard to disability and he has not fulfilled any of the conditions mentioned in G.O.(Ms).No.304, Revenue and Disaster Management (DM-II) Department, dated 17.06.2020. Hence, there is no reason for exempting him from attending the duty.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner has made an application for grant of special leave during COVID-19 Period, in terms of G.O.(Ms).No.304, Revenue and Disaster Management (DM-II) Department, dated 17.06.2020, dated 17.06.2020. The said application was rejected on the ground that the petitioner has not suffered with any disability and is not over aged. Though the claim of the petitioner is that he is suffering with eye injuries and took treatment in the hospital, no Disability Certificate has been produced before the Authority or before this Court. Further, G.O.Ms.No.304, Revenue and Disaster Management (DM-II) Department, dated 17.06.2020 is applicable to the person, who is aged above 55 years and is suffering with co-morbidities. Hence, this Court is not inclined to interfere with the impugned letter issued by the 2nd respondent.



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7. Accordingly, this Writ Petition is dismissed. No costs.

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Connected miscellaneous petition is closed.

20.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Managing Director,
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Vannarapettai, Tirunelveli District.

2.The General Manager,
TNSTC, Tirunelveli Division,
Nagercoil Region, Rani Thottam,
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M.DHANDAPANI,J.

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