



W.P(MD)No.4650 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.4650 of 2018

and

W.M.P(MD)No.4723 of 2018

H.Christopher Ebenezer

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli & Nagercoil Zones,
KTC Nagar, Tirunelveli – 627011.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli Zone, Papanasam Branch,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the second respondent vide his impugned order in Ka.No.5398/Niyall/thapoka/thili/2016, dated 23.06.2017 and quash the same and consequently direct the respondents to disburse the arrears of



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salary to the petitioner for the period from 09.01.2017 to 23.04.2017 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents : Mr.K.Sathiya Singh

ORDER

This writ petition has been filed to quash the impugned order passed by the second respondent in Ka.No.5398/Niyall/thapoka/thili/2016, dated 23.06.2017 and consequently, to direct the respondents to disburse the arrears of salary to the petitioner for the period from 09.01.2017 to 23.04.2017, within a stipulated period.

2. The case of the petitioner is that the petitioner joined the services as a Driver in the respondent Corporation on 10.09.1993. During the year 2016, the petitioner was referred to Dr.Agarwal Eye Hospital for medical examination wherein a report was given stating that the petitioner has to undergo cataract surgery. On 23.12.2016, the second respondent directed the petitioner to report duty after surgery and getting fitness certificate. Subsequently, the petitioner was denied duty. However, on 31.12.2016, Aravind Eye Hospital, Tirunelveli, has given a certificate



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stating that the petitioner is fit for the post of Driver. But, the respondents denied duty for the petitioner. Hence, the petitioner filed a writ petition in W.P(MD)No.3125 of 2017. Subsequently, pursuant to the direction issued by this Court, the petitioner was referred to Medical Board. The Medical Board opined that the petitioner is fit for the post of Driver and based on the said report, the petitioner was given duty as a Driver from 24.04.2017. Thereafter, the petitioner made a representation on 15.06.2017 claiming for salary for the non-employment period ie., from 09.01.2017 to 23.04.2017. However, the request of the petitioner was rejected by the second respondent vide the impugned order, dated 23.06.2017. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. However, when the matter was taken up for hearing today, the learned counsel appearing for the petitioner, on instructions, would submit that since a disputed question of law is involved in this matter, this Court may grant liberty to the petitioner to approach the labour Court for appropriate remedy.



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4. Recording the said submission, this writ petition is disposed of

with a liberty to the petitioner to approach the labour Court for appropriate remedy. No Costs. Consequently, connected miscellaneous petition is closed.

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NCC:Yes/No
Index: Yes/No

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M.DHANDAPANI, J.

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