



W.P.No.4561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4561 of 2024

and W.M.P.Nos.4977, 4978 and 4979 of 2024

M.Senthilkumar

... Petitioner

-Vs-

1. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
represented by its Managing Director,
37, Mettupalayam Road,
Coimbatore – 641 043.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Udagamandalam,
Udagai.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Mettupalayam – 2 Branch,
Udagamandalam.
4. The Dean,
Rajiv Gandhi Government General Hospital,
Park Town,
Chennai – 600 003.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 21.06.2023 in 1/G8a/ 2102/ TNSTC/ VU.Ma/ 2023 issued by the first respondent served on 10.07.2023, quash the same and consequently directing the respondents 1 to 3 to provide the petitioner suitable alternative employment, on a permanent basis, in commensurate with his health condition and educational qualification and any other light duty with continuity of service, pay protection, back wages and other service benefits with effect from 01.06.2023 and to treat the entire period from 01.06.2023 and from till date as the duty with pay for all purposes, within a specified time as may be fixed by this Honourable Court, award costs.

For Petitioner : M/s V.Porkodi

For R1 to R3 : Mr.A.Vinothraj
Standing Counsel

ORDER

This Writ Petition has been filed challenging the show cause notice dated 10.07.2023 issued by the first respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined the services of the first respondent Corporation as Driver. On 26.03.2023, while he was driving the bus, he



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suffered giddiness and he was advised to take rest for five days. After physical check up, the Doctor found that he is suffering from high blood pressure and high sugar and also suffered with eye defects. Therefore, the petitioner made a representation to the third respondent for sanction of medical leave. Subsequently, he also submitted a representation to allot any alternative duty. However, due to absence, he was issued with a show cause notice dated 21.06.2023. On receipt of the same, the petitioner submitted a detailed explanation to the show cause notice on 15.07.2023. Therefore, the petitioner was referred before the Medical Board.

4. Accordingly, the petitioner appeared before the Chairman, Regional Medical Board, Rajiv Gandhi Government Hospital, Chennai and the report dated 08.09.2023 was issued stating that the petitioner is unfit to continue his occupation as a Driver and is advised for reassessment after six months. Therefore, the petitioner submitted a representation on 23.11.2023, on the basis of the Medical Report and seeks for alternative employment. Now, the petitioner has challenged the show cause notice dated 21.06.2023.



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5. As stated supra, already the petitioner submitted a detailed explanation for the show cause notice dated 21.06.2023 and on receipt of the same, the petitioner was subjected for medical examination before the Medical Board. Therefore, the show cause notice dated 21.06.2023 become infructuous. However, in view of the certificate issued by the Medical Board as the petitioner is unfit to the post of Driver, the first and second respondents are directed to consider the representation submitted by the petitioner seeking alternative employment due to his illness and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

23.02.2024

Internet : Yes
Index : Yes/No
mn



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WEB COPY

To

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G.K.ILANTHIRAIYAN, J.

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