



WEB COPY



*W.P.No.12216 of 2023
and Cont.P.No.2126 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM:

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

W.P.No.12216 of 2023 & W.M.P.No.12063 of 2023
and Cont.P.No.2126 of 2023

W.P.No.12216 of 2023:

V.Henry Moses

...Petitioner

-Vs -

1. The Metropolitan Transport Corporation (Chennai) Ltd.,
Rep. by its Managing Director,
Pallavan Illam,
Anna Salai, Chennai – 600 002.
2. The Senior Deputy Manager – HR,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai, Chennai – 600 002.
3. The Branch Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Vadapalani Depot,
Chennai – 600 003.
4. The Dean,
Government Stanley Hospital,
Chennai – 600 003.



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5. The Dean,
Rajiv Gandhi Government
General Hospital,
Chennai – 600 003.
(R5 Suo Motu impleaded vide
order dated 21.04.2023 made in
W.P.No.12216 of 2023)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to continue to provide the petitioner suitable alternative employment in Non-ITI Helper post on a permanent basis, in commensurate with this health condition, with continuity of service, pay protection, back wages and all other service benefits with effect from 14.03.2023, within a specified time as may be fixed by this Court, award costs.

For Petitioner	: Mr.V.Ajay Khose
For Respondents	
For R1 to R3	: Mr.A.Vinothraj Standing Counsel
For R4 & R5	: Mr.V.Veluchamay Additional Government Pleader

Cont.P.No.2126 of 2023:-

V.Henry Moses

...Petitioner

-Vs -

1. Gunasekaran
Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai, Chennai- 600 002.



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2. Shyamala

Senior Deputy Manager – HR,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam,
Anna Salai, Chennai – 600 002.

3. Manivannan,

Branch Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Vadapalani Depot,
Chennai – 600 003.

... Respondents

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for willful and deliberate disobedience of the order dated 21.04.2023 of this Court in W.P.No.12216 of 2023.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.A.Vinothraj
Standing Counsel

COMMON ORDER

The writ petition has been filed for direction directing the respondents to provide suitable alternative employment in Non-ITI Helper post on a permanent basis, in commensurate with this health condition, with continuity of service along with all other service benefits.



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2. The Contempt Petition has been filed to punish the respondents for non compliance of the order dated 21.04.2023, passed by this Court in W.P.No.12216 of 2023, thereby directing the respondents to provide light duty work to the petitioner.

3. The petitioner joined in the first respondent corporation on 21.01.1998 as a Driver and he was made permanent on 01.02.1999. In the month of November 2005, he suffered heavy fever and vomiting and he diagnosed that he suffered Introgenic rectal peritoneal perforatia. Therefore, he was advised to undergo surgery and he underwent surgery on three occasions. After three surgeries, he became unfit for the post of driver. That apart, he is taking treatment as outpatient continuously.

4. Even the petitioner produced all medical records, the first respondent referred the petitioner before the Regional Medical Board in order to access his suitability for the post of driver. The Medical Board certified that the petitioner was not fit for driver post by its communication dated 08.12.2008. Thereafter, once again the petitioner was directed to appear before the Regional Medical Board and again the petitioner was certified that he was unfit for the post of driver.



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5. Thereafter, he was permitted to work as Helper non-ITI Post, till the year 2020. He was repeatedly directed to appear before the Medical Board and he was temporarily provided with alternative employment. Therefore, the petitioner submitted representation seeking permanent employment on permanent basis. Since the same was not considered, the petitioner approached this Court by way of the present writ petition.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. By way of an interim order dated 21.04.2023, this Court directed the petitioner to appear before the Medical Board, Rajiv Gandhi Government General Hospital and the Medical Board noted that the petitioner is unfit for driver job and he may be given light duty and also directed the petitioner for reassessment after the period of one year, by the proceedings dated 24.05.2023. Thereafter, the petitioner was given temporary alternative employment for a month only.



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8. Considering the above facts and circumstances, the respondents are directed to provide suitable alternative employment in non-ITI Helper post to the petitioner for a period of one year from today. Thereafter, the petitioner will be subjected for medical examination before the Regional Medical Board, Chennai. Subject to the medical report, the petitioner may be provided with suitable job. It is also made clear that before completion of one year period, the first respondent is directed to subject the petitioner before the Medical Board, so that he will be provided with alternative employment.

9. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

10. In view of the above order passed in the Writ Petition, this Contempt Petition is closed.

13.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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To

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G.K.ILANTHIRAIYAN. J.

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