



W.P.No.15566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15566 of 2024

D. Shanmugam

... Petitioner

Vs

1. The Secretary to Government
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St.Goerge,
Chennai 600 009.
2. The Secretary
Metropolitan Transport Corporation Ltd.,
Headquarters, Pallavan Illam,
Anna Salai,
Chennai 600 002.
3. The General Manager
Metropolitan Transport Corporation Ltd.,
Headquarters, Pallavan Illam
Anna Salai,
Chennai 600 002.



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4. The Branch Manager
Metropolitan Transport Corporation Ltd.,
Headquarters, Pallavan Illam,
Anna Salai,
Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents 2 to 4 to consider the petitioner's representation dated 25.02.2021 and 25.08.2021 respectively and to direct the respondents 2 to 4 to reinstate the petitioner in service and regularise the same with all attendance benefits and all other monetary benefits within the prescribed time stipulated by this Court.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader for R1
Mr.A.Vinothraj for R3 & R4

ORDER

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 2 to 4 to consider the petitioner's representation dated 25.02.2021 and 25.08.2021 respectively and to direct the respondents 2 to 4 to reinstate the petitioner in service and regularise the same with all



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attendance benefits and all other monetary benefits within the prescribed time stipulated by this Court.

2. The learned counsel for the petitioner submitted that upon being sponsored by the Employment Exchange the petitioner was appointed as a driver in the year 1995. According to the learned counsel for the petitioner, even though the said appointment did not expressly state that it is a regular employment it was meant for a regular recruitment and before the consequential formal order of regularisation could be passed on 11.07.1997, he became ill while he was on duty and was taken to the hospital. Thereafter, the petitioner was not given any duty. Once again the petitioner approached the respondent and by way of 18 (1) Settlement he was taken on employment on daily wages basis. While so working for a period of about seven years on daily wage basis, he could not further drive the vehicle on account of deteriorating health condition, therefore he stopped reporting for work, subsequently the respondents also removed him from service. Though he had been making subsequent representations repeatedly, the respondents



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have not passed any orders. According to the learned counsel for the petitioner merely because the petitioner is not well the respondents cannot remove the petitioner from service and on the other hand they should provide him lighter duty.

3. I have heard the submissions of the learned counsel for the petitioner and perused the materials available on record.

4. The learned counsel for the petitioner is right in contending that merely because the petitioner is unwell he will should not be non-employed and the respondents are bound to provide him a lighter duty. Therefore in the year 2013, when the petitioner could not drive the vehicle he ought to have presented himself before the higher authorities and expressed his inability to drive the vehicle and requested for lighter duty. Without doing so, the petitioner had stopped from reporting work by himself. The learned counsel for the petitioner submitted that the petitioner has been continuously approaching the authorities. But it can be seen from the year



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2013 the petitioner kept quiet and only in the year 2021 he started making representations. In view of the huge delay and efflux of time this Court is unable to grant any relief to the petitioner and finding no merits this writ petition stands dismissed. No costs.

18.06.2024

Neutral Citation : yes/no
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

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