



W.P.(MD).No.3441 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3441 of 2024

and

W.M.P.(MD)No.3423 of 2024

M.Kumaravel

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Central Office, K.T.C.Nagar,
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Thoothukudi Region,
Thoothukudi.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Kovilpatti Branch,
Thoothukudi Region,
Kovilpatti, Thoothukudi.

... Respondents



W.P.(MD).No.3441 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give alternative employment to the petitioner and disburse the petitioner's salary from October, 2023 to till date and credit his medical leave from 19.04.2023 to 11.10.2023 in his leave account and consider his representation dated 10.12.2023.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.D.Jebaraj,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to give alternative employment to the petitioner and disburse the petitioner's salary from October, 2023 to till date and credit his medical leave from 19.04.2023 to 11.10.2023 in his leave account and consider his representation dated 10.12.2023.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



W.P.(MD).No.3441 of 2024

WEB COPY

The petitioner was appointed as a driver in the respondent Corporation on 14.08.2012. During 2023, he was affected from Ischemic stroke and was admitted in Annamalai Hospital, Sankarankovil and was continuously taking treatment in various speciality hospitals from 19.04.2023 to 25.04.2023. Even after discharge, he is taking Ayurveda treatment till date. Under such conditions, he is unable to perform his duty as driver. Hence, he made a representation to the 1st and 2nd respondents requesting to refer him to the Medical Board for Medical examination. Following which, he was referred to the Medical Board and even after receiving the report of the Medical Board, the petitioner is not provided with an alternative job. Hence, this Writ Petition came to be filed.

3. Pursuant to the filing of this Writ Petition, the petitioner was appointed in the Fitness Department (FC) which would require lifting heavy objects in the exercise of his official functions. The respondent Corporation without considering the fact that the petitioner is a person who was affected by Ischemic stroke and slowly recovering from the same, he was provided with a job requiring physical implications.



W.P.(MD).No.3441 of 2024

WEB COPY

4. In view of the same, this Court hereby direct the respondent Corporation to provide the petitioner with a lighter alternative duty forthwith.

5. Accordingly, this Writ Petition stands disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

01.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml
To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Central Office, K.T.C.Nagar,
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Thoothukudi Region,
Thoothukudi.
- 3.The Branch Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Kovilpatti Branch,
Thoothukudi Region,
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W.P.(MD).No.3441 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.3441 of 2024

01.03.2024