



WP(MD). No.13435 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/06/2024

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The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13435 of 2024

M.Peter

... Petitioner

Vs

The Management of
Tamilnadu State Transport Corporation (Tirunelveli) Ltd
Nagercoil Region,
Rep. By its General Manager,
Nagercoil.

... Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare that the action of the respondent in denying work to the petitioner from 10.08.2023 is illegal and consequently direct the respondent to treat the period from 10.08.2023 to date of allowing him to work as his working days for all purpose and to give him all benefits including wages for the period.

For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Ramaiah



WP(MD). No.13435 of 2024

WEB COPY

ORDER

The writ petition has been filed for a declaration to declare that the action of the respondent in denying work to the petitioner from 10.08.2023 is illegal and consequently direct the respondent to treat the period from 10.08.2023 to date of allowing him to work as his working days for all purpose and to give him all benefits including wages for the period.

2. Heard Mr.S.Arunachalam, learned counsel for the petitioner and Mr.K.Ramaiah, learned counsel for the respondent.

3. By consent, the writ petition is taken up for disposal.

4. The petitioner was working in the respondent corporation as a Driver from 22.06.2007. Due to his health condition and considering his representation, he was allotted with alternative employment from 30.01.2017. The order of alternative employment would read that the petitioner was redesignated as Helper on account of his physical



WP(MD). No.13435 of 2024

disability on 30.01.2017, however, the same is subject to medical examination of the board every year.

5. It is the grievance of the petitioner that he has not been allowed to work from 10.08.2023. The order of alternative employment shows that the alternative employment is subject to report of the medical examination and the said report is to be provided every year. The petitioner has not produced recent medical opinion of the medical board and hence, in the absence of such medical opinion, the petitioner cannot claim the same employment, even though his medical condition is found otherwise or fit enough to take up the job of driver.

6. It is also seen from the records that the petitioner has given a representation on 01.09.2023 stating that he was not given with any employment from 10.08.2023. The petitioner has been issued with a charge memo on 21.08.2023 for his unauthorized absence and disciplinary proceedings were initiated for the same.



WP(MD). No.13435 of 2024

7. In view of the above stated position, the petitioner has to work out his remedy by participating in the enquiry by submitting that he was all along willing to work, however, he was not allowed to work. Even though the petitioner has been issued with a charge memo on 23.08.2023, he chose to file the present writ petition, only after issuance of the said charge memo.

8. In such case, if any disciplinary proceedings is contemplated against the petitioner, the same shall be disposed within a period of three weeks and an order should be passed. Without making out a case that the petitioner has been regular in his employment and that charges given against him were proved to be false, the petitioner cannot straight away file a writ petition claiming that he has the right of reinstatement and that a direction should be so given against the respondent.

9. The writ petition is disposed of with the above observations. No costs.

24.06.2024

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WP(MD). No.13435 of 2024

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TO

The General Manager,
Management of
Tamilnadu State Transport Corporation (Tirunelveli) Ltd
Nagercoil Region,
Nagercoil.



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WP(MD). No.13435 of 2024

R.N.MANJULA,J

RR

**ORDER
IN
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