



W.P.(MD)No.16976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16976 of 2024
and
W.M.P.(MD).No.14629 of 2024

R.Rajendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to refer the petitioner to the jurisdictional Medical Board to ascertain the physical disability of the petitioner and to provide the petitioner a suitable alternative employment as helper and to further direct them to pay wages to the petitioner from 17.03.2024 the date from which the petitioner was denied employment till the date of providing alternative employment and to treat the said period as duty for all purposes.



W.P.(MD)No.16976 of 2024

For Petitioner : Mr.D.Siva Raman

For R-1 & R-2 : Mr.K.Ramaiah,
Standing Counsel

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.D.Sivaraman, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents.

3. This Writ Petition has been filed seeking a direction to the respondents herein to refer the petitioner to the jurisdictional Medical Board to ascertain the physical disability of him and to provide him a suitable alternative employment as helper and to further direct the respondents to pay wages to the petitioner from the date on which the petitioner was denied employment i.e., 17.03.2024 till the date of providing alternative employment and to treat the said period as duty for all purposes.



W.P.(MD)No.16976 of 2024

4. The petitioner was appointed as Conductor in the respondent Corporation on 16.04.1998 on daily wage basis and his service was regularized on 29.06.1999. During August 1999, when he was on duty, he met with an accident. Hence, he became unfit to do the job of Conductor. On the representation given by the petitioner to the respondents, he was given with light duty as Time Keeper in Kodumudi Bus-stand till 16th March 2024. But the same was denied to the petitioner from 17.03.2024 even without any order to that effect. When he asked the second respondent, he was informed that the duty has been denied owing to the Code of conduct of the General Elections 2024 and once the code of conduct was lifted, he will be provided with the job. But even after the code of conduct of the General Elections 2024 was lifted, the petitioner was not provided with any duty. Hence, the petitioner made several representations to the respondents. Since the same has not been considered, the petitioner has filed this Writ Petition.

5. The learned Counsel for the petitioner would submit that though the petitioner made representations to the respondents seeking employment, the respondents have not considered the same so far and hence, he prayed for a direction to the respondents to consider the representation of the petitioner.



W.P.(MD)No.16976 of 2024

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6. Whereas Mr.D.Sivaraman, learned counsel appearing for the petitioner submitted that the petitioner shall be sent for medical examination before the Medical Board in order to ascertain his present health condition and only thereafter, he will be given with alternative employment if at all it is so recommended by the Medical Board.

7. In such case, without any delay, the respondents shall send the petitioner before the Medical Board for examination. On receipt of the report from the Medical Board, the respondents shall pass appropriate orders on merits and in accordance with law. Till such time, it will be appropriate to engage the petitioner in an alternative duty as how he has been already engaged.

8. With the above direction, the Writ Petition is **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

25.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.16976 of 2024

To

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W.P.(MD)No.16976 of 2024

R.N.MANJULA, J.

TSG

W.P.(MD)No.16976 of 2024

25.07.2024