



W.P.(MD)No.15985 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.15985 of 2017

and

W.P.(MD)No.12644 & 12645 of 2017

L.C.Jeyakumar

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour Department,
Fort St.George,
Chennai – 09.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Madurai – 625 016.

3.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Madurai – 625 016.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified mandamus to call for the records pertaining



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to the impugned order in parvai: Madurai/sattam/w.p.no.7289/2014 dated 18.06.2014 on the file of the Respondent no.3 and and quash the same as illegal and consequently to direct the respondents to disburse the salary for the period 12.03.2013 to 26.11.2013 along with all service and monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Assocites
For Respondents : Mr.G.Suriya Ananth (R1)
Additional Government Pleader
Mr.S.C.Herold Singh (R2 & R3)
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 18.06.2014 passed by the third respondent. Under the impugned order, the petitioner's request for disbursement of his salary for the period from 12.03.2013 to 26.11.2013 along with service and monetary benefits has been rejected on the ground that there is no scope for alternate employment to the petitioner on account of his illness.



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2. It is now brought to the notice of this Court by the learned counsel appearing for the petitioner that subsequent to the filing of this writ petition, the petitioner was referred to the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, and by the proceedings of the said hospital dated 13.09.2023, after giving due consideration to the nature of the illness of the petitioner, the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, has recommended that the petitioner may be allowed for an alternate job where prolonged standing is not required.

3. Since it is clear that the petitioner cannot do the duty of a Conductor, as seen from the medical report dated 13.09.2023 of the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, the impugned order will have to be quashed and the request of the petitioner will have to be considered once again by the respondents, in view of the recommendation made by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, through their medical report dated 13.09.2023.



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4. In the result, the impugned order dated 18.06.2014 passed by the third respondent is hereby quashed and this writ petition is allowed. The matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law. The third respondent shall pass appropriate orders on merits and in accordance with law, after giving due consideration to the medical report dated 13.09.2023 submitted by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, under which recommendation has been made to grant an alternate job to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.15985 of 2017

Dated:
12.09.2024