

CONT.P.(MD)No.1822 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 30.01.2025

Pronounced on : 16.05.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.1822 of 2024

in

WP(MD) No.6537 of 2021

S.Ganesh Kumar

... Petitioner

Vs

1.Merlin Jeyathi,
The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Nagarkovil Region,
Nagarkovil,
Kanyakumari District – 629 702.

2.Kannan,
The Branch Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Kanyakumari Branch,
Kanyakumari District 629177. ...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court, to initiate contempt proceedings against the punish the Contemnors/ Respondents and



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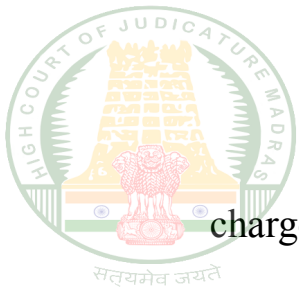
punish them for their wilful disobedience of the order of this Court in WP(MD) No.6537 of 2021, dated 12.01.2023, under the contempt of Courts Act.

For Petitioner : Mrs.Pamelin
For Respondent : Mr.D.Jebaraj
Standing Counsel

ORDER

This contempt petition is filed that the order of this Court in WP(MD) No.6537 of 2021, dated 12.01.2023, has not been complied with.

2.The petitioner, who was working as a Driver in the respondent Corporation has requested for an alternative employment that he has suffered with colour blindness. However, the respondent Corporation, without considering the same has transferred the petitioner from Kannyakumari Branch to Tiruvattaru Branch, by its order dated 14.09.2020. Challenging the same, the petitioner has filed a writ petition in WP(MD) No.13515 of 2020. Pending that writ petition, his representation for alternative employment was rejected by order, dated 30.10.2020 and he was also issued with a



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charge memo on 30.10.2020, as he has not joined the duty in the transferred place. The petitioner has filed two writ petitions in WP(MD) No.2681 of 2021 and WP(MD) No.6537 of 2021, challenging the charge memo, dated 30.10.2020 and the order of rejection for alternative employment. This Court has dismissed the writ petition in WP(MD) No.2681 of 2021, by its order dated 12.02.2021, with liberty to the petitioner to work out his remedy in the other writ petition in WP(MD) No.6537 of 2021, filed for alternative employment and the same was also disposed of by this Court, by order, dated 12.01.2023, directing the respondent Corporation to refer the petitioner to Medical Board to ascertain as to whether this petitioner has suffered with colour blindness and to take a decision, based on the medical report.

3.This contempt petition is filed that the above order of this Court has not been complied with by the respondent Corporation.



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4.The learned counsel for the respondent Corporation submits that this petitioner was referred to the Medical Board, Kanyakumari Medical College Hospital and the Kanyakumari Medical College Hospital has referred this petitioner to the Rajiv Gandhi Medical College Hospital at Chennai. The Rajiv Gandhi Medical College Hospital has given a report, dated 28.11.2024 that this petitioner is having colour blindness in both his eyes and also given remarks as "unfit for driving". The Kanyakumari Medical College Hospital has stated that this petitioner has suffered with colour blindness even during his appointment. However, he was appointed as a Driver in the Transport Corporation, based on a Fitness Certificate, issued by a Medical Officer on 29.11.2012.

5.Since the respondent Transport Corporation has already referred this petitioner to the Medical Board and the Special Medical Board Examination on Regional Institute of Ophthalmology and Government Ophthalmic Hospital, Chennai has also issued a Certificate on 28.11.2024 that this petitioner is unfit for driving, this contempt petition is closed, with a direction to the respondent



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Corporation to provide him an alternative employment, based on the
above medical report.

16.05.2025

Index: Yes/No
Internet: Yes/No
vrn

To

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Nagarkovil Region,
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B.PUGALENDHI, J.

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Pre-Delivery Order made in
CONT.P.(MD)No.1822 of 2024
in
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