



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

**WP No. 32079 of 2026
& WMP No.35279 of 2026**

S.Sivakumar

..Petitioner(s)

Vs

1. The Managing Director Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002
2. The Joint Managing Director
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002
3. The Senior Divisional Manager (HRD)
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to permit the petitioner to continue in the alternative post of Helper (Non-ITI) without insisting upon the petitioner to perform the duties of a Driver or to undergo a fresh medical examination before the Medical Board, in view of the repeated Medical Board reports declaring him medically unfit to work as a Driver and the Disability certificate certifying 50 percent permanent disability

For Petitioner(s):

Mr.P.Valliappan Senior Counsel
M/S. Pv Law Associates

For Respondent(s):

Mr.A. Vinothraj

**ORDER**

Heard Mr.P.Valliappan, learned Senior Counsel for the petitioner and Mr.A.Vinothraj, learned Standing Counsel for the respondent Corporation.

2. The grievance of the petitioner in the present writ petition is that the petitioner, who was originally appointed as 'Driver' in the respondent Corporation, was referred to the Medical Board and was found unfit for the post of 'Driver' and he was provided with an alternative employment. Though he was referred to the Medical Board for seven times till the year 2020, once again, the respondents are contemplating to refer the petitioner to the Medical Board for examination, thereby depriving the petitioner of employment.

3. According to the learned Senior Counsel for the petitioner, there was no necessity to refer the petitioner to the Medical Board, as he was already examined seven times and was found unfit for the post of 'Driver'. He further submits that in case the petitioner is referred to the Medical Board once again, he has to undergo the entire process of Medical Board examination for three to four months and, during such period, the petitioner will be deprived of employment and he has to undergo loss of pay.

4. On the other hand, the learned Standing Counsel appearing for the respondent Corporation submits that the Medical Board's reports so far obtained



only describe the disability of the petitioner as 'Temporary' and, therefore, the respondent Corporation thought it fit to refer the petitioner to the Medical Board for examination once again, as six years have lapsed since the last Medical Board examination. She further submits that the respondents have already provided alternative employment to the petitioner and they continue to provide such employment while subjecting the petitioner to the Medical Board examination.

5. In the light of the above, this Court does not see any impediment in disposing of the writ petition at the admission stage. Taking into consideration the overall facts and circumstances of the case, admittedly, the petitioner was found unfit for the post of 'Driver' and he was admittedly provided with alternative employment for the past several years. Whether the petitioner has become fit now to discharge the duties of 'Driver' or not is a matter to be examined by the Medical Board. Therefore, the petitioner cannot have any objection to being referred to the Medical Board. However, in case the petitioner is to be deprived of his employment and has to go on loss of pay to undergo the Medical Board examination, which is likely to take three to four months, certainly, the same cannot be permitted. Simply because the petitioner is subjected to Medical Board examination once again will not entitle the respondent Corporation to deprive him of his employment in an alternative post while the petitioner is undergoing the Medical Board examination.



6. Taking into consideration the submission made by the learned Standing Counsel appearing for the respondent Corporation that the petitioner will continue to be provided with alternative employment, viz., light work, till the Medical Board's report is obtained, the writ petition is disposed of, directing the respondents to continue to provide alternative employment, viz., light work, to the petitioner while subjecting the petitioner to the Medical Board examination once again and thereafter act upon the report of the Medical Board in accordance with law. No costs. Consequently, the connected miscellaneous petitions, if any, shall stand closed.

13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
skr

To

1. The Managing Director Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002
2. The Joint Managing Director Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002
3. The Senior Divisional Manager (HRD)
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai-600 002



WEB COPY

WP No. 32079 of 2



MUMMINENI SUDHEER KUMAR, J.

skr

WP No. 32079 of 2026

13-08-2026