

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 26391 of 2018
W.M.P.No.30662 of 2018

P.Babu

..Petitioner

Vs

Tamil Nadu State Transport
Corporation(Coimbatore) Ltd.,
Rep. By its Managing Director
No.37, Mettupalayam Road
Coimbatore-641 043.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 29.05.2018 passed by the Respondent in Memo No.2280/E3/Pa.Thul/TNSTC (Ko)/18, quash the same and consequently direct the respondent not to compel and insist the petitioner to do driving work and to continue to provide the petitioner suitable light duty/alternative job on permanent basis in commensurate with his physical and health condition, with continuity of service, pay protection, back wages and all other service and consequential benefits with effect from 11.12.2017, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.P.Kannan Kumar

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O R D E R

The relief sought for in the present writ petition is to quash the order dated 29.05.2018, stating that the writ petitioner is fit for the post of driver as he has renewed his driving license.

2. The learned counsel for the writ petitioner states that though the driving license was renewed by the writ petitioner,

he is not fit to perform his duties and responsibilities attached to the post of driver, in view of the Medical Certificate issued and therefore, the respondents are bound to refer the case of the writ petitioner to the Medical Board for assessment of his medical condition in respect of posting him to the post of driver.

3. The learned counsel for the respondent opposed the contention by stating that the writ petitioner had renewed his driving license by appearing before the competent authority and therefore, he is fit to continue in the post of driver.

4. May that it be, if there is any doubt in respect of the fitness of a driver, it is desirable to send the driver to the Medical Board for proper assessment and based on the report, a decision can be taken by the competent authority.

5. This being the factum of the case, the respondents are directed to refer the writ petitioner to the Medical Board for medical assessment and on receipt of the report from the Medical Board, decision shall be taken by the respondents and appropriate orders are to be passed with reference to the rules and based on the medical report to be submitted. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.
ssb/kmm

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Managing Director
Tamil Nadu State Transport
Corporation(Coimbatore) Ltd.,
No.37, Mettupalayam Road
Coimbatore-641 043.

+1cc to Mr.V.Ajoy Khose, Advocate, SR.No.28083
+1cc to Mr.P.Kannan Kumar, Advocate, SR.No.27852

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Kak(13/05/2019)