



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.4845 of 2019

and

WMP (MD) No.3855 of 2019

S.Chokkalingam

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation (Kum) Ltd,
Kumbakonam Region,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance a writ of Certiorarified Mandamus call for records relating to the impugned order passed by the respondent in Letter No.156/Papi-E5/TNSTC (Kum)/2019 dated 11.02.2019 and quash the same as illegal and consequently, to direct the respondent to retain the petitioner in his present duty as Security in the respondent office.

For Petitioner : Mr.SP.Vijay Nivas
For Respondent : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking to quash the order passed by the respondent in Letter No. 156/Papi-E5/TNSTC (Kum)/2019 dated 11.02.2019 and consequently, to direct the respondent to retain the petitioner in his present post as Security in the respondent's office.

2.The case of the petitioner is that while on duty as Driver, due to sudden heart attack he fell down from the bus and sustained grievous injuries, due to which, he was referred to the Medical Board for providing alternate light work. Based on the Medical Board's certificate, the petitioner was provided with an alternative work as Security in the year 2016. Again, the petitioner is now referred to the Medical Board, by the impugned order, for assessing his disability. Aggrieved over the same, the petitioner is before this Court.

3.According to the learned Counsel for the petitioner, referring the petitioner for the second medical examination by the impugned order is arbitrary and illegal and the same is liable to be quashed.



4.The learned Standing Counsel appearing for the respondent submit0ted that in order to ascertain the present fitness of the petitioner, he has been referred to the Medical Board and there is no need to interfere with the order impugned herein. Hence, he prayed for dismissal of the writ petition.

5.Considering the nature of the injuries and the disability, sustained by the petitioner, this Court finds no infirmity or irregularity in the proceedings issued by the respondent, referring the petitioner for second medical examination. Hence, the petitioner is disentitled to get any relief in this writ petition.

6.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar(CS)

To

The General Manager,
Tamil Nadu State Transport Corporation (Kum) Ltd,
Kumbakonam Region,
TNSTC Head Office,
No.27, Railway Station New Road,
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TR (29.04.2019) 2P 2C