



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.13816 of 2019

and

W.M.P(MD) .Nos.10333 & 10334 of 2019

WEB COPY

G.Vivekananthan

... Petitioner

-Vs-

1.The General Manager

Tamil Nadu State Transport Corporation

(Madurai) Ltd., Dindigul Region

Dindigul

2.The Principal Secretary to Government

Health Department

Fort St.George

Chennai

3.The Director of Health Services

Office of the Director of Health Services

Chennai

... Respondents

(R2 & R3 impleaded vide Court Order, dated 27.06.2019 in W.M.P(MD).
N0.10652 of 2019 in W.P(MD).No.13816 of 2019)

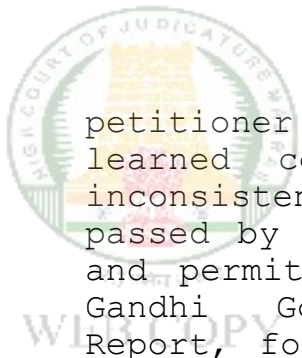
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records from the respondent in Ref.Admin/Aa2/1196, dated 01.04.2019 and to quash the same.

For Petitioner : Mr.S.Kumar
For R1 : Mr.Senthil Kumariah
For R2 & R3 : Mr.S.Dhayalan
Government Advocate

ORDER

The petitioner has challenged the communication, dated 01.04.2019, issued by the first respondent, directing the petitioner to report duty as a Conductor based on the report given by the Medical College Hospital, Theni, dated 05.03.2019.

2.The learned counsel for the petitioner submitted that by report, dated 18.10.2016, the Government Theni Medical College Hospital, Theni, stated that 'the petitioner is not fit to perform Conductor duty' and by report, dated 05.03.2019, stated that ' the



petitioner is fit to perform Conductor duty with hearing aid'. The learned counsel further submitted that in view of the two inconsistent reports of the very same Medical Board, the order passed by the first respondent, dated 01.04.2019 may be set aside and permitted to send the petitioner to appear before the Rajiv Gandhi Government General Hospital, Chennai to get the Medical Report, for assessing the disability. Till such time, a direction may be given to the first respondent to give alternative job to the petitioner.

3.The learned counsel for the first respondent submitted that the petitioner was working as a Security in Dindigul based on the report, dated 05.10.2016. The first respondent permitted the petitioner to work as Security in his depot. While so, on 28.01.2019, the first respondent issued a communication, referring the petitioner to the Regional Medical Board, Aundipatti, Theni District, for reassessment. Accordingly, the petitioner appeared before the said Medical Board on 05.03.2019 and again, he appeared before the very same Medical Board and received the impugned communication, dated 01.04.2019, in which, the petitioner was directed to report duty as Conductor, immediately.

4.Heard Mr.S.Kumar, learned counsel appearing for the petitioner, Mr.Senthil Kumariah, learned counsel appearing for the first respondent and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 2 and 3.

5.Considering the submission made by the learned counsel for the petitioner, the impugned order of the first respondent in Ref.Admin/Aa2/1196, dated 01.04.2019, is quashed. The first respondent is directed to refer the petitioner to appear before the Rajiv Gandhi Government General Hospital, Chennai, for assessing his disability and till such time, the first respondent is directed to permit the petitioner to work as Security in his depot.

6.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

msa



To

1. The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Dindigul Region
Dindigul

2. The Principal Secretary to Government
Health Department
Fort St. George
Chennai

3. The Director of Health Services
Office of the Director of Health Services
Chennai

+1 CC to Mr.S.KUMAR, Advocate (SR-92401[F] dated 17/10/2019)

+1 CC to SPL GP (SR-92498[F] dated 17/10/2019)

+1 CC to Mr.J.SENTHIL KUMARAIAH, Advocate (SR-93002[F] dated 18/10/2019)

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