



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22637 of 2021

P.Gandhi Raman

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., (Tirunelveli Division)
Kattabomman Nagar,
Tirunelveli - 627 011
Tirunelveli District.

2. The General Manager,
Tamil Nadu State Transport
Corporation Ltd., (Tirunelveli Division)
Nagercoil Region, Ranithottam
Nagercoil,
Kanyakumari District - 629 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to permit to do the work as Shunting (parking) 08.00 a.m. to 05.00 p.m. in the depot by considering the petitioner's representation dated 21.09.2021.

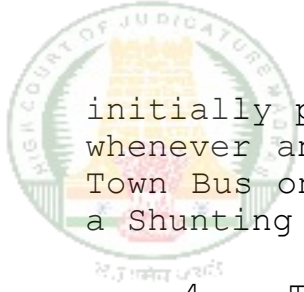
For Petitioner : Mr.M.Dennis Joe
For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

This writ petition is filed for a mandamus, directing the respondents to permit the petitioner to continue to work as a Shunting (parking the vehicles) in the depot.

2. The learned counsel for the petitioner submits that since the petitioner was suffering with leg pain, he was posted as Shunting (parking the vehicles) inside the depot. Now, the petitioner is asked to drive the town bus. It is very difficult for him to perform his duty due to his leg pain. To substantiate the same, the learned counsel for the petitioner has also relied on the medical certificate issued by one Dr.M.Ashwin, BSMS, DVMS, Regd. Medical Practitioner (Reg.No.4051), running a Siddha Clinic and also the certificate issued by one Ilayaselan, M.S. Ortho, Consultant Orthopedic Surgeon, PPM Hospital, Colachel Road, Rajakkamangalm,

3. Mr.R.Rajamohan, learned Standing Counsel for the respondent Corporation submits that the certificates relied on by the petitioner cannot be acted upon as the certificates are issued by a ~~General Doctor~~ and a Consultant. Further, the petitioner was



initially posted as a Driver and he is supposed to work as a driver whenever and wherever he is posted. Now, he is asked to drive the Town Bus only and therefore, he cannot say that he can work only as a Shunting (parking the vehicles) in the depot.

4. This Court paid its anxious consideration to the rival submissions made.

5. The learned counsel for the petitioner claims that the petitioner is having leg pain and he has also produced medical certificates to that effect.

6. This Court is also convinced with the contention of the learned Standing Counsel for the respondents that the certificates relied on by the petitioner cannot be acted upon as the certificates are issued by a Siddha Doctor and a Consultant. However, considering the plea raised by the learned counsel for the petitioner that the petitioner is having some problems in legs, which would have some consequences at the time of driving the bus, the respondents shall refer the petitioner to the Medical Board and ascertain the health condition of the petitioner and based on the report of the Medical Board, shall suitably accommodate the petitioner. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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Tamil Nadu State Transport
Corporation Ltd., (Tirunelveli Division)
Kattabomman Nagar,
Tirunelveli - 627 011
Tirunelveli District.
2. The General Manager,
Tamil Nadu State Transport
Corporation Ltd., (Tirunelveli Division)
Nagercoil Region, Ranithottam
Nagercoil,
Kanyakumari District - 629 001.



+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-39795[F] dated 21/12/2021)

+1 CC to M/s.M.DENNIS JOE, Advocate (SR-39994[F] dated 22/12/2021)

W.P (MD) No.22637 of 2021
21.12.2021

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