



WEB COPY



W.P.No.24642 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.24642 of 2021
and WMP.Nos.25924 & 25925 of 2021

S.Manikandan

.. Petitioner

VS.

1.Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. By its Managing Director,
37, Mettupalayam Road,
Coimbatore-43.

2.The General Manager,
Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore-43.

3.Tamil Nadu State Medical Council,
Rep. By its President,
914, Poonamallee High Road,
Amaravathy Nagar, Arumbakkam,
Chennai-600 104.

4.Dr.Snegan,
Medical Officer,
Primary Health Centre,
Thondamuthu, Coimbatore.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 29.09.2021 passed by the second respondent in Ref.Nos.421/E3/Pa Thu-1/TNSTC (Ko)/2021 dated 06.10.2021, quash the same and consequently, direct the respondents 1 and 2 to provide the petitioner light duty either as Office Assistant, Security Guard etc., on permanent basis with pay protection, continuity of service, backwages and other attendant benefits with effect from 14.10.2019 and the third respondent to take appropriate action against the fourth respondent for having referred the petitioner to the Government Mental / Psychiatric Hospital, Kilpauk, Chennai 600 010 to find out his mental fitness for the post of Driver, when he is not having any such mental or Psychiatric problem.

For Petitioner : Mr.R.Krishnasamy

For Respondents : Mr.A.Sundaravadanan,
Standing Counsel for R1 to R3
Mr.J.R.Prabhakaran for R4

ORDER

By consent, this Writ Petition is taken up for final disposal. The petitioner, challenging the impugned proceedings of the respondents 1 and 2 dated 29.10.2021 and 06.10.2021, referring the petitioners to Rajic Gandhi Government General Hospital, Chennai and Government Mental Health / Psychiatric Hospital / Kilpauk, Chennai-10, has filed the present writ petition.

2. The case of the petitioner is that he joined the service as Driver in the third respondent Corporation on 07.10.2010 on appointment through Employment Exchange and posted to work at Salem Depot-I. On 27.09.2016



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he suffered severe cardiac attack and admitted in Government Medical College Hospital, Coimbatore on 30.09.2016 and doctors advised him to drive light vehicles and the petitioner was transferred to Sungam Depot II on 03.09.2019. The petitioner made a request to assign light works and he was referred to the Medical Board in Government Medical College Hospital, Coimbatore on 14.10.2019 and the Medical Board submitted its report stating that the petitioner was unfit to the post of Driver and for driving heavy vehicles and recommended to the respondent Corporation to provide him light work and he was assigned light works thereafter for six months.

3. The petitioner was once again referred to the Medical Board in Rajiv Gandhi Government General Hospital, Chennai-3 to ascertain the physical fitness for the post of Driver, based on his continuous heart ailment and he appeared before the said Medical Board on 28.08.2020, 04.09.2010 and 01.10.2020 and the Medical Board gave opinion that the petitioner can only undertake only light work. Thereafter, the respondents 1 and 2 once again by orders dated 29.09.2021 and 06.10.2021 referred the petitioners to Rajiv Gandhi Government General Hospital, Chennai-3 for ascertaining the physical fitness and to check the mental health of the petitioner. Challenging



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the same, the petitioner has filed the present writ petition.

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4. The learned counsel for the petitioner submitted that the Medical Board of the Rajiv Gandhi Medical College Hospital and Kilpauk Government Medical College Hospital, Chennai have submitted its report to the respondent Corporation and based on the said reports, the petitioner seeks for consideration of his request to provide him light work on permanent basis with pay protection and other attendant benefits in the light of Section 20(4) of the Right of Persons with Disabilities Act, 2016.

5. The learned Standing Counsel for the respondents Corporation has not controverted to the above said reports submitted by the Medical Board to the respondents Board and submitted that in view of the pendency of the writ petition, no orders have been passed and the respondents will take necessary action and pass appropriate orders as per the directions of this Court.



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6. In the light of the above facts and circumstances, this Court directs the respondents to consider the request of the petitioner based on the report submitted by the Medical Board of the Government Medical College Hospital, Coimbatore and also in the light of Section 20(4) of the Right of Persons with Disabilities Act, 2016 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.03.2022

Index : Yes / No

Internet : Yes / No

Jvm

To

1.The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road, Coimbatore-43.

2.The General Manager,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road, Coimbatore-43.



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3.The President,
Tamil Nadu State Medical Council,
914, Poonamallee High Road,
Amaravathy Nagar, Arumbakkam, Chennai-600 104.

4.Dr.Snegan,
Medical Officer, Primary Health Centre,
Thondamuthu, Coimbatore.

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