



WEB COPY

W.P.No.27469 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.27469 of 2022 &
W.M.P.Nos.26684 & 26685 of 2022**

Kulantaivel

... Petitioner

VS.

1.Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu, Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region, Cuddalore. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to provide the petitioner suitable alternative employment on permanent basis on commensurate with his health condition with continuity of service, pay protection, back wages and other service benefits and to treat the entire period from 3rd March 2015 till date during which he was not given light duty as duty with pay for all purpose award costs.

For Petitioner : Mr.R.Krishnasamy

For Respondents : Mr.Venkatesa Perumal,
Standing Counsel

**ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the respondents to provide alternate employment to the petitioner on permanent basis on account of his medical ailments, based on his representation dated 23.07.2022.

2. Mr.Venkatesa Perumal, learned standing counsel accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner was working as a Conductor with the respondent Transport Corporation. According to the petitioner, he fell down inside the bus in the year 2015 and thereafter, he has been unable to perform his duty as a conductor. According to him, he is medically unfit to do the duty of conductor. In such circumstances, he has given representation on 23.07.2022 seeking for alternate employment on permanent basis. Since the representation has not been considered till date, the petitioner has filed this writ petition.



4. Heard Mr.R.Krishnasamy, learned counsel for the petitioner and Mr.Venkatesa Perumal, learned standing counsel appearing for the respondents.

5. Learned counsel for the petitioner drew the attention of this Court to the order dated 09.09.2022 passed by this Court in W.P.No.24263 of 2022 and would submit that in an identical matter, this court directed the respondent Corporation therein to refer the petitioner therein to the medical board and assess the medical fitness of the said petitioner and thereafter, take the decision as to whether alternate employment can be given to the petitioner or not. Since the petitioner is also similarly placed, learned counsel for the petitioner seeks for similar directions from this Court in this writ petition also.

6. This Court is inclined to accept the directions issued by this Court on 09.09.2022 in W.P.No.24263 of 2022.

7. No prejudice would be caused to the respondents, if the petitioner's representation seeking for alternate employment on permanent basis, on account of his medical ailments is considered on merits and in accordance



with law after obtaining the report from the medical board within a time frame to be fixed by this court.

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8. Accordingly, the following directions are issued:

(a) Based on the petitioner's representation dated 23.07.2022, the respondent Corporation is directed to send a communication to the medical board asking the petitioner to appear before them for assessing disability of the petitioner.

(ii) On receipt of the said communication from the respondent Corporation, the medical board is directed to serve notice to the petitioner to appear before them within a period of two weeks from the date of receipt of a communication from the respondent Corporation.

(iii) The Medical Board is directed to submit the medical report to the respondents after assessing disability of the petitioner, as expeditiously as possible, within a period of four weeks from the date of petitioner appearing before the medical board.

(iv) Based on the receipt of the said report from the medical board, the respondents are directed to consider the petitioner's representation dated 23.07.2022 and take appropriate decision in accordance with law as



expeditiously as possible, within a period of eight weeks from the date of receipt of medical report from the medical board.

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9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

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Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking orders

To

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu, Villupuram.

2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region, Cuddalore.

ABDUL QUDDHOSE, J.



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