



W.P.No.32103 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32103 of 2019

R.Purushothaman

...Petitioner

Vs.

1.Metropolitan Transport Corporation Limited,
Rep.by its Managing Director,
Pallavan Salai,
Pallavan Illam, Chennai – 2.

2.The Senior Deputy Manager (HR)
Metropolitan Transport Corporation Limited,
Pallavan Salai,
Pallavan Illam, Chennai – 2.

3.The Director,
Regional Medical Board,
Government Ophthalmology Hospital
Egmore, Chennai – 600 008.

4.The Dean,
Regional Medical Board,
Rajiv Gandhi Government General
Hospital, Chennai – 3.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents 1 and 2 to provide the



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petitioner forthwith suitable alternative employment/ light job in commensurate with his health condition and based on the report to be submitted by the 4th respondent medical board, w.e.f. 08.03.2019 with continuity of service, back wages, pay protection and all other service benefits and to treat the periods from 01.11.2012 to 17.10.2013 and 07.11.2018 to 07.01.2019 as duty with pay for all purposes, Award Costs.

For Petitioner : Mrs.V.Porkodi
For Mr.V.Ajay Khose

For R1 & R2 : Mr.R.Balaji

For R3 & R4 : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 to provide the petitioner forthwith suitable alternative employment/ light job in commensurate with his health condition and based on the report to be submitted by the 4th respondent Medical Board, w.e.f. 08.03.2019 with continuity of service, back wages, pay protection and all other service benefits and to treat the periods from 01.11.2012 to 17.10.2013 and 07.11.2018 to 07.01.2019 as duty with pay for all purposes.

2. The petitioner is working as a Driver in the respondent Corporation.



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On account of Eye defect, the petitioner was not in a position to perform his duties as Driver and as per his request, he was provided with light duty. For the past about 5 years, the petitioner is performing light duty in the respondent/Transport Corporation. Further, the petitioner was stopped from light duty.

3. However, the learned counsel for the petitioner states that as of now, he is performing light duty.

4. The learned counsel for the respondents state that now the petitioner is not attending duty from 25.01.2022 onwards. The respondent Management sent a letter to the petitioner to report for duty and in spite of that, he has not reported for duty.

5. Under these circumstances, the petitioner appeared before the Special Medical Board and the Medical Board made a remark as follows:

*“Temporarily unfit. Advised cataract surgery Left eye.
To come for reassessment after surgery.”*

6. In view of the remark made by the Special Medical Board, wherein



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the Doctors advised the petitioner to go for cataract surgery in left eye, the petitioner has to complete the direction within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the petitioner has to attend for reassessment as per the remarks of the Special Medical Board and after obtaining the Board report, suitable further actions are to be initiated by the respondent/Corporation. In the event of failure on the part of the writ petitioner in not completing the cataract surgery or not reporting duty, the respondents are at liberty to initiate further action as per the rules in force. Till such time, when the petitioner completes cataract surgery and get reassessment report from the Medical Board, he shall be permitted to perform light duty.

7. With these observations, the writ petition stands disposed of. No costs.

02.12.2022

Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.



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