



W.P.(MD)No.14104 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14104 of 2022

K.Kumaragurubaran

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to provide an alternative light duty forthwith in the suitable job with continuity of service, pay protection and with all attendant benefits, on the basis of the petitioner's representation, dated 05.05.2022, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.SP.Vijay Nivas

For Respondent : Mr.V.Jagadees Balan
Standing counsel



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ORDER

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This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondent to provide an alternative light duty forthwith in a suitable job with continuity of service, pay protection and with all attendant benefits, on the basis of the petitioner's representation, dated 05.05.2022, within the time frame that may be stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner is working as a Senior Driver in Tamil Nadu State Transport Corporation (Kumbakonam Limited) at Thiruthuraipoondi Branch. He joined duty in the year 2012 and working without any blemish. He suffered chest pain and admitted in Dr.Vanjilingam Hospital, Thanjavur on 20.05.2020. He was treated there and stunt was inserted and he was advised to take rest for six months. Now, he finds it difficult to drive the bus, which is a heavy vehicle. Hence, he approached the respondent to provide him an alternative light duty, through his representation, dated 05.05.2022. The petitioner, subject to opinion of the Medical Board is entitled to be given the light duty. Therefore, this Writ Petition.



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3. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondent.

4. The learned counsel for the petitioner referring to Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, seeks the relief of alternative light duty. Though medical records produced by the petitioner are in the form of xerox copies of treatment at Dr.Vanjilingam Hospital, Thanjavur, the medical certificate shows that the petitioner was treated for CVA-Rt hemipregia/Lt MCA infarct/SHTN

5. In the light of the medical records produced, this Court directs the respondent to refer the petitioner to the Medical Board for its opinion with regard to petitioner's claim of his inability to drive the heavy vehicle bus and on the opinion offered by the Medical Board, this Court directs the respondent to consider the petitioner's representation, dated 05.05.2022 and pass appropriate orders, in the manner known to



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law, as early as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. with the above direction, this Writ Petition is disposed of.

No costs.

04.07.2022

Internet: Yes

Index :Yes/No

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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.



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G.CHANDRASEKHARAN, J.

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Order made in
W.P.(MD)No.14104 of 2022

Dated:
04.07.2022