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W.P.No.19963 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HON'BLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

**W.P.No.19963 of 2020
and WMP.Nos.24644 & 24645 of 2020**

K. Jothiraman

6. K. Parimala Devi

... Petitioners

vs.

1. Tamil Nadu State Transport
Corporation (Chennai) Ltd.,
rep. by its Managing Director,
Pallavan House, Anna Salai,
Chennai.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Chennai) Ltd.,
Pallavan House, Anna Salai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue writ of mandamus directing the respondents 1 and 2 to provide petitioner forthwith alternative employment / light job in commensurate with his health and physical condition, on permanent basis and continuously with continuity of service, pay protection, back wages and



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all other service benefits w.e.f. August 2020 and also to restore his leave which was adjusted for the period, award costs.

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For Petitioner : Ms.Nandhini

For Respondents : Mr.C.Gautham Raj
Standing Counsel

ORDER

The writ petition has been filed to direct the respondents 1 and 2 to provide petitioner forthwith alternative employment / light job in commensurate with his health and physical condition, on permanent basis and continuously with continuity of service, pay protection, back wages and all other service benefits w.e.f. August 2020 and also to restore his leave which was adjusted for the period, award costs.

2. The learned counsel appearing for the petitioner submitted that the petitioner has joined the services of the first respondent Corporation as a Conductor on 08.01.2008 and got permanent and brought to time scale of pay with effect from 01.05.2010. During 2018, when he was on duty several times he had a swoon and as per advice of the Doctor the petitioner was admitted in the hospital and thereafter he was diagnosed to be suffering



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from Peripheral Vertigo. Hence the petitioner made a representation to the respondent to give him an alternative job and requested to sent him to the Medical Board. Since the petitioner was taking physiotherapy treatment continuously he could not do the work of Conductor and two times he was referred to the Medical Board and the Medical Board also confirmed his position that he was not fit for the post of Conductor. However, the respondents were not allotting him for alternative work continuously. Hence the present writ petition.

2. The learned Standing Counsel appearing for the respondents submitted that the petitioner may be directed to appear before the Medical Board for examination.

3. In view of the submission made by the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents, the respondents are directed to refer the petitioner to the Medical Board for medical examination to decide about the medical fitness of the petitioner to join duty, within a period of two weeks from the date of receipt of a copy of this order and after receiving the report from the Medical Board, the



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respondents shall decide about the claim of the petitioner for alternative employment, within a period of two weeks thereafter. In the meantime, the respondents are directed to provide alternative employment to the petitioner. In case the Medical Board would find that the petitioner is not fit for employment, it is always open to the respondents to consider the benefits to be conferred on the petitioner as per Section 47 of the Persons with Disabilities Act.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

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dpq
Index : Yes/No
Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

dpq

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