



W.P.(MD)No.3219 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 3219 of 2019

and

W.M.P(MD)Nos. 2513 & 2514 of 2019

P.Murugaiyan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Railway Station Road,
Kumbakonam.

2.The General Manager
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karur Division,
Karur.

3.The Assistant Manager(Works)
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Division,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the



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impugned proceedings of the third respondent in Tha.A Poga/Thi Ma/Niru/E7/198/2017 dated 31.01.2019 and to quash the same and to direct the respondents to pass appropriate and suitable orders to place in the petitioner in alternative / mild job, by considering the disability of the petitioner at 40%, in consonance with the disability certificate produced by the petitioner. throughout his service, by considering the representation of the petitioner, dated 06.02.2019.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition is filed by the petitioner seeking alternative employment.

2. Heard Mr.G.Aravinthan, Learned counsel appearing for the petitioner and Mr.D.Sivaraman, Learned counsel appearing for the respondents. Perused the material documents available on record.

3. The respondents referred the petitioner to Medical Board for assessing his disability. Based on the report of the Medical Board, the petitioner



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was granted alternative employment on 31.01.2019. However, the respondents again proposed to send the petitioner for another examination to the Medical Board. The contention of the respondents is that, every six months the respondents would send for assessing medical status of the petitioner.

4. The respondents is empowered to refer the employee for medical examination for the first time. If the respondents are intended to refer again for medical examination, then the respondents ought to have obtained the permission of the Government. In the present case the respondents have not obtained any permission. The said permission is necessary in order to avoid misuse of the power. Moreover, the respondents would disturb the petitioner under the guise of reexamination. The respondents have not submitted any provisions of law to send any person for medical examination in every six months.

5. Therefore, this Court is confirming the alternative employment granted to the petitioner. The respondents are restraining from disturbing the petitioner.



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6. With these directions, this Writ Petition is closed. Consequently,
connected petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 3219 of 2019**

22.06.2023