



W.P.(MD)No.14285 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14285 of 2023

Sakthivel

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation
(TNSTC) Madurai Limited,
Dindigul Region, Dindigul District.

2.The Branch Manager,
Tamil Nadu State Transport Corporation (TNSTC),
Dindigul – I Branch, Dindigul District.

3.The Dean,
Regional Medical Board,
Rajiv Gandhi Government Dental Hospital,
Poonamalle High Road, Part Town,
Chennai – 600 003.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to allow the petitioner to join duty as Senior Superintendent in the 2nd respondent office in pursuance to compliance of appearing before



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medical board as directed by the 1st respondent by his proceedings dated 24.01.2023 and by considering the petitioner's representation dated 27.05.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawaz Khan,
For M/s.Ajmal Associates.

For Respondents : Mr.S.Raja,
Standing Counsel for R1 & R2.
Mr.N.Ramesh Arumugam,
Government Advocate for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned standing counsel for the respondent corporation and the learned Government Advocate for the third respondent.

2.The petitioner is holding the rank of Senior Superintendent in the second respondent corporation. He met with an accident. The grievance of the petitioner is that even though he is now physically alright, he is not allowed to report for duty. That led to the filling of this writ petition.



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3. When the matter was taken up for hearing, the learned standing counsel submitted that the petitioner was referred for examination to the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai. The medical report opines that the petitioner is having 60% disability and that he is unfit for his current job.

4. Therefore, the respondents cannot be faulted for not permitting the petitioner to report for duty as Senior Superintendent. The learned standing counsel states that the petitioner's case will be placed before the committee. The committee shall also hear the petitioner in person. A decision will be taken if it is possible to allot any other lighter duty to the petitioner. The petitioner is on the verge of reaching the age of superannuation. Therefore, such a decision shall be taken on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. The management will bear in mind that if an employee acquired disability during the course of his service, he cannot be thrown out on that account. The management will have to see what is the alternative duty the petitioner can perform. The mandate of Section 20 of the Rights of Persons with Disabilities Act, 2016 Act will be borne in mind by the management.



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4.This writ petition is disposed of with the aforesaid direction to the management. No costs.

19.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Issue order copy 21.06.2023.

To:-

The Dean,
Regional Medical Board,
Rajiv Gandhi Government Dental Hospital,
Poonamalle High Road, Part Town,
Chennai – 600 003.



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G.R.SWAMINATHAN,J.

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