



W.P(MD)No.18601 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18601 of 2023

and

W.M.P(MD)Nos.15431 & 15432 of 2023

N.Anbalagan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region
Thanjavur District.

3.The Regional Medical Board,
Represented by its Secretary,
Rajiv Gandhi Government General Hospital,
Chennai-600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent, dated 27.05.2023 and quash the same and consequently



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direct the 1st and 2nd respondent to provide suitable alternative employment in the 2nd respondent branch at Thiruaiyaru with pay protection, with continuity of service and monthly salary with back wages from the year 2013 to till date to the petitioner including reasonable rate of interest payable to the petitioner as per section 47(i) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and on the basis of the Medical Report given by 3rd respondent, dated 05.02.2022 within the time limit that may be fixed by this Court.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For R1 & R2	: Mr.K.Jagadees Balan Standing Counsel
For R3	: Mr.J.Ashok Additional Government Pleader

ORDER

The present writ petition has been filed by a Conductor of the respondent Corporation, challenging the order wherein the respondent Corporation has directed the writ petitioner to appear before the 3rd respondent Medical Board for the second time after completion of one year period.



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2. According to the writ petitioner, he has undergone a fitness assessment test before the Government Institute of Rehabilitation Medicine, K.K.Nagar, Chennai on 05.02.2022. In view of lapse of one year time, the respondent Corporation has directed the writ petitioner to appear before the 3rd respondent Medical Board by way of impugned order, dated 27.05.2023.

3. According to the learned counsel appearing for the petitioner, the petitioner need not be again be sent for assessment of fitness before the 3rd respondent Medical Board. However, this Court is not inclined to accept the said contentions of the learned counsel for the writ petitioner. The medical report of the Rehabilitation Centre is dated 05.02.2022 and already one year period has elapsed. Therefore, this Court does not find any illegality or infirmity in the order impugned in this writ petition.

4. In view of the above said facts, this Court directs the writ petitioner to appear before the 3rd respondent Medical Board within a period of ten (10) days from the date of receipt of copy of this order. The 3rd respondent is directed to forward their medical report to the 2nd respondent within a period of three (3) weeks thereafter.



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5. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
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- 3.The Regional Medical Board,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.18601 of 2023

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