



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.330/2023

Vandana Shyamrao Pund

Vs.

Maharashtra State Road Transport Corporation, through its Divisional Controller,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.V. Jagdale, Advocate for petitioner

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..**

DATED : 28/08/2024

Mr Jagdale, learned Counsel for the petitioner does not dispute that a person with knee replacement surgery can perform all activities associated with a normal human being such as walking, running and cycling. The petitioner, who is employed as a Bus Conductor with the MSRTC, has undergone knee replacement surgery in the year 2019 and, therefore, cannot claim any permanent disability or, for that matter, even a partial disability for carrying out the work of a Bus Conductor. The difficulty expressed for carrying out the work of a Bus Conductor is that the petitioner has to move around a bus for the purpose of issuing tickets to the passengers, which has to be done within a distance of 6 km. from the starting point.

2. The reliance is also placed upon the certificates dated 15.10.2021 (page 19) and dated 14.3.2022 (page 20) in support of the contention that the petitioner is not in a position to work as a Bus Conductor, but is fit for table

work. It is, therefore, contended that the direction needs to be issued to the respondent to post the petitioner on a desk job.

3. The learned Counsel for the respondent, while opposing the contention, submits that the certificates issued do not indicate any permanent or, for that matter, any partial disability or any of the disabilities in so far as locomotion of the petitioner is concerned. He further submits that for the purpose of issuing the tickets, the petitioner can sit on the seat adjacent to the door and perform her duty while sitting. He also submits, that the apprehension of the petitioner regarding the delay, on account of issuance of the tickets beyond the period of 6 km., can be relaxed, considering the fact that the petitioner has undergone the knee replacement operation, for which, the respondent is willing to issue an office order in that regard, extending the number of kilometers for that purpose.

4. The petitioner has undergone knee replacement operation in 2019. She is present in the Court standing and walking. The certificates dated 15.10.2021 and 14.3.2022, do not certify that the petitioner is permanently disabled or has any disability to any extent of percentage whatsoever. The first certificate dated 15.10.2021 says that at present, she is unfit for standing duty and the second certificate dated 14.3.2022 does not say anything about it, but merely states that she is fit for table work. Both the certificates, do not indicate any extent of disability, percentage-wise with the petitioner in performing her duty.

5. In view of the statement made by learned Counsel for the respondent as recorded in para 3 above and also considering the fact that the issuance of tickets, which are now in the electronic form, can be done by sitting on the chair adjacent to the door and in case of any crowd at the point of origin, she can always request the Traffic Controller to provide assistance in booking tickets, we do not see any reason to interfere in the present petition, the same is dismissed. No costs.

(SMT. M.S. JAWALKAR, J.) (AVINASH G. GHAROTE, J.)

R.S. Sahare