



WEB COPY



W.P.No.2270 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2270 of 2020 and
W.M.P.Nos.2647 & 2649 of 2020

J.Narayanan

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep by its Managing Director,
No.3/137, Salamedu,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram.

3.The Joint Director of
Rural and Health Services,
Villupuram District Medical Board,
Villupuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to provide the petitioner forthwith suitable light work/office work/desk work with continuity of service, pay protection, wages and other consequential benefits with effect from 08.01.2017.



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For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.R.P.Murugan Raja, GA for R3
Mr.M.Aswin, Standing Counsel for RR1& 2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to provide the petitioner forthwith suitable light work/office work/desk work with continuity of service, pay protection, wages and other consequential benefits with effect from 08.01.2017.

2. Heard Mr.V.Ajoy Khose, learned counsel for the petitioner and Mr.R.P.Murugan Raja, learned Government Advocate for the third respondent and Mr.M.Aswin, Standing Counsel for R1& R2.

3. The petitioner who was employed as Driver with the first respondent is said to be suffering from Brain Tumour and resultant disability. As per the submission of the learned counsel for the petitioner, the petitioner was given with alternate employment considering his disability. After 2018, the petitioner was again shifted to his regular



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posting and hence, he has filed this Writ Petition seeking the above direction. He further submitted that as on today, the petitioner is not attending duty in view of his health condition.

4. The learned Standing Counsel for the respondents 1 and 2 submitted that the petitioner has been referred to the third respondent Board for getting opinion as to his alleged disability as on today. It is further submitted that earlier the petitioner was not given with any alternate employment and he was just accommodated in a different seat considering his request, but not accepting his disability.

5. The learned counsel for the petitioner also submitted that on 16.07.2018 itself the Medical Board has examined the petitioner's medical condition and had given an opinion that the petitioner is suffering from 60% disability.

6. However, the learned Standing Counsel for the respondents 1



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and 2 submitted that the petitioner has to be sent for re-assessment and only by taking into account of the present situation, the request of the petitioner will be considered.

7. Despite an order has been passed in this regard and the third respondent was directed to file a report on or before 20.02.2020, so far the medical report has not been filed. It is submitted by the learned counsel for the petitioner that the petitioner has already appeared before the Medical Board and he subjected himself for the medical examination. Hence, it is appropriate to direct the third respondent to send the medical report of the petitioner to the respondents 1 and 2.

8. In the result, this Writ Petition is disposed and the third respondent is directed to send the medical report of the petitioner to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2 are directed to take a decision and pass orders with regard to providing any suitable seat work to the petitioner with all other service and



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attendant benefits within a period of four weeks thereafter. No costs.

Consequently, connected miscellaneous petitions are closed.

11.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
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Villupuram.
- 2.The General Manager,
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