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W.P.No.7965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7965 of 2024
and W.M.P.No.8931 of 2024

P.Vinayagamoorthy

... Petitioner

-Vs-

1. The General Manager,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Cuddalore.

2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram – 605602.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to provide a permanent employment to the petitioner based on the medical report of Zonal Medical Board, Rajiv Gandhi Government General Hospital, Chennai dated 09.03.2023 and consequently direct the respondents to reinstate the petitioner with back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr.D.Senthur Kugan
For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel



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ORDER

This Writ Petition has been filed for direction directing the respondents to provide a permanent employment to the petitioner based on the medical report of Zonal Medical Board, Rajiv Gandhi Government General Hospital, Chennai dated 09.03.2023 and consequently direct the respondents to reinstate the petitioner with back wages, continuity of service and all other attendant benefits.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was initially appointed as Driver by an order dated 01.09.2005. Thereafter, his service was regularized and he was brought into monthly cadre in a time scale of pay. While being so, on 23.12.2005, he was affected by Paralytic Stroke and thereby, his right limbs were severely affected. Therefore, the petitioner was on medical leave for a period of one year. Hence, the petitioner submitted a representation asking for light duty. He was provided with light duty like filling diesel for vehicles for a period of eight years till



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2013. Due to his sufferings, he cannot perform the duty as Driver. By the communication dated 10.01.2023 issued by the first respondent, the petitioner was once again subjected for medical examination before the Zonal Medical Board, Rajiv Gandhi Government General Hospital, Chennai. The petitioner was certified that he is having 60% disability and not fit for the post of Driver and advised for a lighter job by the report dated 09.03.2023. However, he was denied employment from 29.01.2023 to 29.04.2023 for a period of eight months. Thereafter, he was given employment only till 25.12.2023. Now, the petitioner is not given any employment so far.

4. A perusal of the Medical Report dated 09.03.2023 clearly revealed that the petitioner is not fit for driver job and advised for lighter job.

5. The learned Standing Counsel appearing for the respondents submitted that the petitioner will be given lighter job such as Non Travelling Conductor post permanently.

6. In view of the above submission, this Court is of the opinion that the petitioner may be given lighter duty than the duty of driver. Therefore, the



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respondents are directed to provide lighter duty such as Non Travelling Conductor to the petitioner, forthwith. It is made clear that the petitioner shall be subjected for medical examination once in a year. As per the Medical Board report, the petitioner may be given duty without any break.

7. In view of the above, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

26.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J.

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