



WEB COPY



W.P.No.10887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.07.2024

CORAM
THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.10887 of 2024

M.Mohandas

.. Petitioner

Vs.

1. The Managing Director

Tamil Nadu State Transport Corporation (Villupuram) Ltd.
3/137, Salamedu
Valudhareddy Post, Villupuram – 605 602.

2. The General Manager

Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Kancheepuram Regional Office
Ponnerikkarai, Karapettai
Chennai Bangaluru Highway
Kancheepuram – 631 552.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to permit the petitioner to do the Security Guard job at Tambaram Branch, as was provided previously on re-designation, due to the disability certificate issued by the Medical Board of Rajiv Gandhi Government General Hospital, Chennai vide its report dated 06.09.2023.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel



W.P.No.10887 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking directions against the respondents to permit the petitioner to do an alternate job, such as Security Guard at Tambaram Branch due to his disability.

2. The petitioner was initially appointed as a Driver in the respondent Corporation. While he was performing the duty as a Driver, he lost control of the bus due to mechanical defect and the bus fell into a twenty feet river bed, which resulted in a major accident, causing severe injuries to the petitioner along with other passengers.

3. Due to the said major accident, his two limbs got fractured and immediately he was admitted as an in-patient in M/s.Miot International Hospital, Chennai. After treatment, he was certified "not fit" for the Driver post and he is fit only for "White Collor Desk Job" to perform lighter duties vide certificate dated 25.03.2017.

4. Considering the said certificate, the petitioner was given the post of Technical Helper for a period of one year vide order dated 31.01.2020. Thereafter, the petitioner was not given any post so far.



W.P.No.10887 of 2024

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5. A perusal of the counter filed by the respondent Corporation and the submissions made by *Mr.R.Venkatesa Perumal*, learned Standing Counsel, would reveal that the petitioner cannot continue as a Driver and he is only fit for lighter duties as per the Medical Board's report, therefore, the petitioner was assigned with lighter duty. Thereafter, he was subjected to medical examination and he was re-evaluated by the Local Medical Board. The report states that he has suffered with 60% disability and declared him "unfit" for job. Therefore, once again the petitioner was reassigned as a Technical Helper for another period of one year.

6. Now, it is proposed to subject him for reassessment before the Regional Medical Board and he was instructed to appear for medical examination. However, they also proposed to give him the post of Conductor on condition that the petitioner obtains Conductor licence.



W.P.No.10887 of 2024

7. In view of the above, the petitioner is directed to appear for medical examination before the Regional Medical Board within a period of two weeks from the date of receipt of a copy of this order. On receipt of the report from the Regional Medical Board, the respondent Corporation is directed to assign a lighter duty to the petitioner. It is also made clear that the second respondent is directed to subject the petitioner for Medical Examination once in a year and accordingly assign duty to the petitioner.

8. With the above directions, the writ petition stands disposed of. There shall be no order as to costs.

30.07.2024

Neutral Citation : Yes/No

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To:

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G.K. ILANTHIRAIYAN, J.

(drm)

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