



WEB COPY

W.P.No.28507 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28507 of 2021

V.Prabu Kumar

...

Petitioner

versus

1.The Secretary to Government,
Department of Transport,
Egmore, Chennai - 8.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Coimbatore.

3.The General Manager,
Tamil Nadu State Transport Corporation (West),
Coimbatore - 43.

4.Deputy Manager (Technical),
Tamil Nadu State Transport Corporation Limited,
Coimbatore.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 4th respondent herein contained in order dated 22.07.2021 under order No.6827 /2021 and quash the same.



For Petitioner : M/s.Shobana Ramasubramanyan

For Respondent No.1 : Mr.M.Rajendran
Additional Government Pleader

For Respondent Nos.2 to 4 : Mr.T.Arun
for Mr.A.Sundaravadhanam

ORDER

The petitioner has filed this writ petition seeking to quash the order passed by the 4th respondent dated 22.07.2021.

2. Heard M/s.Shobana Ramasubramanyan, learned counsel for the petitioner, Mr.M.Rajendran, learned Additional Government Pleader for the 1st respondent, Mr.T.Arun, learned counsel for the respondents 2 to 4 and perused the materials available on record.

3. M/s.Shobana Ramasubramanyan, learned counsel for the petitioner submitted that the petitioner, who worked as a driver in the Transport Corporation had met with an accident in the year 2013. He suffered bone fracture and had undergone a surgery. Due to that, he was not able to operate the bus with ease and hence he requested the 2nd respondent



to allot him to drive a light weight vehicle. Accordingly, he was engaged to drive a light weight vehicle and he was executing the said job without any issue till 22.07.2021. In fact, the petitioner had met with an another accident on 12.09.2019 and for which he suffered severe injuries at the back of his head and he was again hospitalised. He lost his locomotor ability and hearing capacity. However he continued to discharge his duties by getting engaged in driving light weight vehicle.

4. Now the grievance of the petitioner is that he was again shifted from light weight motor division to heavy weight motor division. Since the said job did not suit, the petitioner went on leave from 05.07.2021 to 21.07.2021. Despite the petitioner explained his health condition, it was not considered by the respondents. Hence the petitioner gave a representation to the 3rd respondent on 17.08.2021 requesting to retransfer him to light weight motor division.

5. Mr.T.Arun, learned counsel for the respondents 2 to 4 submitted that unless the petitioner appears before the Medical Board and



get a Certificate that he is unfit to handle heavy weight vehicle, his case cannot be considered.

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6. The records would show that no proceedings have been passed by the respondents' Department by discussing the health condition of the petitioner in order to post him into the light weight motor division. It is understandable that if the petitioner is unfit and had serious health issues, it will be difficult for him to handle heavy weight vehicle and it will be risk for the passengers' life as well. The petitioner had met with an accident twice and his health condition is not suitable to handle heavy weight vehicle and in that case, it will be difficult for the petitioner to appear before the Board and get the relevant medical certificate evidencing his alleged health condition.

7. Since the medical experts alone has to evaluate the health condition of the petitioner, I feel it is appropriate to direct the respondents to instruct the petitioner to appear before the Medical Board for proper evaluation within a period of two weeks from the date of receipt of a copy of this order and get a report. On receipt of the same, the respondents shall



consider the same and pass appropriate orders within a period of four (4) weeks from the date of receipt of the report from the Medical Board.

With the above observation, this Writ Petition is **disposed**. No costs.

04.01.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

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R.N.MANJULA, J.

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