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W.P.No.22163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22163 of 2024 and
W.M.P.Nos.27171 and 27172 of 2024

A. Murugan

...Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram – 605 602.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Region
Villupuram – 605 602.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first Respondent to assign an alternate work permanently and to disburse 15 months salary from July 2022 to October 2022(4 months), April 2023 and May 2023(2 months) and on 01.11.2023 to 31.07.2024 (9 months) in total 15 months for non-employment period along with 24% interest and pass orders.

For Petitioner : Mr. N. Beulah John Selvaraj

For Respondents : Mr.R. Venkatesa Perumal
Standing Counsel



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ORDER

The petitioner has filed this writ petition seeking a direction directing the first Respondent to assign an alternate work permanently and to disburse 15 months salary from July 2022 to October 2022(4 months), April 2023 and May 2023(2 months) and on 01.11.2023 to 31.07.2024 (9 months) in total 15 months for non-employment period along with 24% interest and pass orders.

2. The case of the petitioner is that he is working as a conductor in the Tamil Nadu State Transport corporation. The petitioner who is a diabetic patient has taken Covishield vaccine, due to which his vision was affected. Hence, the petitioner approached Aravind Eye Hospital wherein, he was diagnosed with “RE TRD-Tractional Retinal Detachment, BE. PDR Proliferative Diabetic Retinopathy” and he has taken treatment. In spite of the better treatment he was not able to recover from the said illness. Subsequent to which it was found that the petitioner is suffering from Proliferative Diabetic Retinopathy on both eyes and Tractional Retinal Detachment on Right Eye. Hence, the petitioner underwent Le-



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silicon Oil Removal (SOR), Endo Laser (Partial), Silicon Oil Injection, Le-phaco with auroflex, aurovise surgery and he was discharged on 01.07.2022. Thereafter, when the petitioner approached the respondent and sought for light duty and he was also assigned security job for 6 months and after that he was not assigned light duty. It is pertinent to note that the first respondent vide order dated 15.10.2022 in Ka.No.3/853/Nee7/TNSTC(V)/2021 referred the petitioner for medical examination to Medical Board. After assessment by the Medical Board, it was found that the petitioner is suffering from 60% of Permanent Visual disability and held that the petitioner is unfit for Conductor Job. However, the said aspect was not considered by the respondents and he has not assigned any light duty. It is also stated that there was salary due to the petitioner for a period of 15 months. Hence, the petitioner has made a representation to the respondents on 04.03.2024. However, there was no progress till date. Hence, this petition.

3.The learned counsel for the petitioner submitted that he was unable to meet out his medical expenses due to his non-employment. He further submitted that his family is facing severe financial crisis, hence



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prays this Court to pass orders directing the respondents to disburse his arrears of salary. Therefore, prays to allow this petition.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner threatens the management, stating that he will file a case if he was not allotted with light duty. The said act of the petitioner is not fair, and the same is not the good conduct expected from an employee. He further submitted that they will pay the due amount to the petitioner and will consider the case of the petitioner with regard to light duty on merits and in accordance with law.

5. Considering the facts and circumstances of the case, this Court directs the respondents to pay the salary due to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. With regard to allotment of light work, this Court directs the respondent to consider the claim of the petitioner on merits and in accordance with law and pass orders as expeditiously as possible. This Court also directs the petitioner to subject himself for medical examination before the Medical Board once in a year and produce the report before the concerned authorities.



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6. With the aforesaid directions, this writ petition stands disposed of. Consequently, the connected miscellaneous petition are closed. No costs.

06.11.2024

Index:Yes/No
Speaking order/Non-speaking order
smn

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V.BHAVANI SUBBAROYAN,J.

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