



W.P.No.25231 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.25231 of 2021

K.Aruchamy

...

Petitioner

/vs/

1. The Secretary to Government,
The Department of Welfare of Differently
Abled Persons,
Fort St. George,
Chennai – 600 009.
2. The State Commissioner for
The Differently Abled Welfare Office
No.5, Kamarajar Salai,
Chennai – 600 005.
3. Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore – 43.
4. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.



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5. Thiru Senthil
General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.

6. Thiru Prabhu
Deputy Manager (MCOP and Labour),
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.

7. Thiru Ramanathan
Assistant Manager (Admin. And Personnel)
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.

8. Thiru Kannan
Assistant Manager (Law 2)
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 43.

9. Thiru Sundaraj
Branch Manager,
Uppilipalayam Branch
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Uppilipalayam,
Coimbatore – 18

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the action of the respondents 3 to 9 in not providing the petitioner light duty with effect from 22.07.2019; treating the period from 22.07.2019 to 07.09.2020 as unauthorized absent; treating the period from 01.01.2021 as unauthorized absence and imposing the petitioner a condition and insisting him to appear before the Medical Board once again and asking him to submit a letter admitting that he did not attend to duty from 22.07.2019 to 07.09.2020 and again from 01.01.2021 and to get him conductor license renewed as a condition for providing the petitioner duty as illegal, arbitrary, unjust, unreasonable and unconstitutional and consequently direct the respondents 3 to 9 to provide the petitioner forthwith light duty in commensurate to his health condition with effect from 22.07.2019 with continuity of service, back wages and all other attendant benefits after adjusting the wages paid to him from 08.09.2020 to 31.12.2020, with all consequential benefits, together with interest at the rate of 12% per annum and direct the respondents 1-2 to take criminal action against the respondents 3-9 as per Section 89 read with Section 90 for having violated Section 20(4) of the Rights of Persons with Disabilities Act, 2016, award costs.

For Petitioner ... Mr.R.Krishnaswamy

For Respondents ... Mr.S.Arumugam for R1

Mr.A.Sundaravadhanam for R2

Mr.C.S.K.Sathish for R3 to R9



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ORDER

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Heard Mr.R.Krishnswamy, the learned counsel for the petitioner, Mr.S.Arumugam, the learned counsel for R1, Mr.A.Sundaravadhanam, for R2 and Mr.C.S.K.Sathish, for R3 to R9.

2. The petitioner who was appointed as a “Conductor” with the first respondent in the year 2013 had suffered heart attack on 10.04.2018 while he was in service. Subsequently, he had undergone a surgery and fixed with stent. After undergoing medical treatment, the petitioner joined duty on 24.05.2018 and he was given with light duty for two months i.e. from 26.06.2018 to 25.08.2018. However on transfer, the petitioner has been given with regular duty as “Conductor”. Since the petitioner was unable to join, a charge memo was issued against him for his unauthorised absence. The petitioner sent a representation to the first respondent to consider him to be given with any light duty. He had also filed a writ petition in W.P.No.30824/2019 seeking appropriate direction. In the said writ petition a direction has been given to the first respondent to refer the petitioner to Medical Board for medical examination and on production of the medical



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report from the Medical Board, the respondent corporation should take a decision to provide alternate employment to the petitioner.

3. The petitioner appeared before the Medical Board, Coimbatore on 11.02.2020 and basing on which a medical report has been submitted by the Medical Board. But the third respondent did not take any decision on the medical report submitted by the Board and the petitioner's representation to provide him with light duty was also not considered so far. In the meanwhile the petitioner was given with the punishment of reducing his salary to initial basic salary. The petitioner has filed an appeal over the same before the Appellate Authority and the same is pending. The petitioner is also facing another charge memo for being absent for some other period.

4. Had the third respondent taken any decision on the medical report submitted by the Medical Board, the petitioner could have at least challenged the orders on its own merits. Due to the indifference on the part of the respondents in taking any decision in accordance with the Medical



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report of the Board, the petitioner is facing frequent disciplinary action. If in the opinion of the third respondent, the medical report does not warrant any light duty, the third respondent is at liberty to pass such orders by stating reasons.

5. Hence, the third respondent is directed to pass orders on the representation of the petitioner basing on the report of the Medical Board and also pass orders in respect of the alleged period of absence on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed. No costs.

07.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case: Yes / No
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R.N.MANJULA ,J.

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