



W.P. No. 27267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY

W.P. No. 27267 of 2023

and

W.M.P. No. 26696 of 2023

Samuvel

... Petitioner

-VS-

1. The Managing Director
Tamilnadu State Transport Corporation Limited
Salem Region
No. 12, Ramakrishna Road
Salem – 636007.
2. The General Manager
Tamilnadu State Transport Corporation Limited
Dharmapuri Region
Bharathipuram
Dharmapuri – 636705.
3. The Branch Manager
Tamilnadu State Transport Corporation Limited
Dharmapuri Region
Palakkode.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to assign petitioner alternative light job in their office as per the advise of the Medical Board constituted under the recommendation of the respondents and its medical report dated 25.01.2023.



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For Petitioner : Mr. P.Muthusamy

For Respondents : Mr. K.Raja
Standing Counsel(TNSTC-Salem)

ORDER

Heard Mr.P.Muthusamy, Learned Counsel for the Petitioner and Mr. K.Raja, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This writ petition has been filed for a writ of mandamus directing the respondents to assign alternative light job to the petitioner in their office as per the advise of the Medical Board constituted based on the recommendation of the respondents and its medical report dated 25.01.2023.

3. The case of the petitioner is that he was a conductor working in the respondent corporation. While so, he became sick while on duty on 22.08.2022 and he was diagnosed of heart disease. Thereafter, he was admitted in Narayana Hirudalaya Hospital (Nayarayana Institute of Cardiac Sciences), Bangalore and three heart valve transplantation has been done by performing a major surgery.

4. Thereafter, the petitioner sought for lighter work in view of the major



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surgery. The petitioner was referred to Medical Board. Accordingly, the petitioner appeared before the Medical Board, Rajiv Gandhi Government General Hospital, Chennai, and after examining the petitioner, the Medical Board which included a Cardiologist gave an opinion on 01.02.2023 and in the said report, it is stated that 'patient may be given light job work'. Even thereafter, the respondents have not provided any light job work to the petitioner and therefore, the present writ petition.

5. The respondents have filed a counter-affidavit dated 28.03.2024, in which it is stated that as per the opinion given by the Cardiologist on 05.01.2023, the patient may be given light job work, it does not explain about the percentage of the disability, whether it is curable ailment or permanent ailment and due to the above said reason, it is not possible to decide the type of work to be given to the petitioner.

6. Learned counsel for the petitioner relying upon the judgment of this Court in ***I.Vellikannu -vs- Tamilnadu State Transport Corporation (Villupuram Division-I) Ltd.*** (Order dated 18.03.2008 in W.P. No. 36331 of 2003) contends that in such cases, there was no question of percentage of disability.



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7. As rightly contended by the learned counsel for the petitioner, the petitioner has underwent a major surgery of three heart valve transplantation. In such an event, there was no question of any percentage of disability to be given. Therefore, on that question, the petitioner need not be referred for any medical board. Second question that the respondent corporation wants to know is that the present condition of the petitioner would improve or not. For that purpose alone, it wants to have further evaluation of the medical board.

8. In that view of the matter, I am inclined to dispose of the writ petition with the following directions:-

- (1) as the respondents have referred the petitioner to the medical board and the medical board has given an opinion on 01.02.2023 that the petitioner should be given a light job work, the respondent corporation shall provide the light job work to the petitioner; and shall be posted in any post involving lighter physical duties;
- (2) the said exercise shall be carried out by the respondents within a period of two weeks from the date of receipt of a copy of this order;
- (3) the petitioner may join that post and discharge his duties; and
- (4) it will also be open for the respondents to further refer the petitioner to



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the medical board as to the question whether the petitioner's condition would improve or not and whether in future he can be utilized for regular strenuous job.

Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Maya

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D.BHARATHA CHAKARAVARTHY, J.

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