



W.P.No.29365 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29365 of 2023 and
WMP.No.28995 of 2023

Karthikeyan

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation,
Villupuram Ltd.,
Villupuram 605 602
2.The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram Region,
Villupuram 605 602

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the first respondent to assign an alternate work considering the petitioner's health without any break and also disburse the salary from 24.04.2022 to 27.01.2023(nine months), 01.03.2023 (one moth) and from 01.07.2023 to 01.09.2023 (three months), in total one year one month, along with 24% interest.



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For Petitioner : Mrs.N.Beulah John Selvaraj

For Respondents : Mr.R.Venkatesa Perumal,
Standing Counsel

ORDER

This writ petition has been filed for direction to the first respondent to assign alternate employment considering the petitioner's health without any break.

2. The petitioner had joined in the respondents Corporation as Driver on 27.10.1999 and subsequently, his service was made permanent on 01.08.2000. While being so, in the year 2019, he was affected with 'old ischaemic stroke with right side hemiparesis. Therefore, his right leg and right hand movement and speech have been affected. Therefore, the petitioner submitted representation before the first respondent to provide him with alternative employment. On receipt of the said representation, the petitioner was referred before the Regional Medical Board on 13.10.2020. Considering the request made by the petitioner, he was assigned with security job for six months. Once again, he was referred to Medical Board and Medical Board assessed with locomotive disability to



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the tune of 50%. However, the petitioner was not assigned with any alternative employment. That apart, he was not paid salary since he was marked as absent. Once again, the petitioner was admitted into hospital and he was discharged from hospital and immediately, the petitioner submitted representation along with Medical Board Report. He was assigned security job only for 15 days and thereafter three months. However, he was not allotted alternative job continuously.

3. On perusal of counter filed by the respondents, revealed that the petitioner was offered cash and audit duty on temporary basis. However, the petitioner refused to take the said duty and demanded light duty. The petitioner is suffering with temporary disability and as such, the petitioner has to be subjected for medical examination three months once.

4. In view of the above submissions, the respondents are directed to provide alternative employment to the petitioner permanently without any break for one year and thereafter subject the petitioner for



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medical examination. If disability continues, the respondents are directed to provide alternative employment to the petitioner.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

20.03.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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Villupuram Ltd.,
Villupuram 605 602
- 2.The Managing Director,
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G.K.ILANTHIRAIYAN, J.

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