



WEB COPY



W.P.No.31751 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

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

W.P.No.31751 of 2023
and W.M.P.No.31381 of 2023

R.Durai

...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 praying to issue a Writ of Mandamus, to direct the first respondent to assign an alternate work to the petitioner without any break and also disburse the salary from 22.01.2023 to 01.10.2023 (nine months) along with 24% interest.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel



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ORDER

This writ petition has been filed for direction directing the first respondent to assign alternative employment to the petitioner.

2. The petitioner had joined as Driver in the respondents corporation on 19.01.2001 and his service was made permanent on 01.07.2002. Later he was diagnosed with mild disc dehydration noted in the L4-L5 intervertebral disc. Therefore, he could not able to drive the vehicle and he took treatment for spinal problem at Jipmer hospital and also in several hospitals. Thereafter, he was admitted as inpatient in Appollo hospital and the doctors advised the petitioner to avoid driving and lifting weights.

3. Thereafter, the petitioner was referred before the Regional Medical Board, Rajiv Gandhi Government General Hospital. The board advised to provide light weight job. Periodically, he was subjected for medical examination before the Regional Medical Board, Rajiv Gandhi Government General Hospital. Finally, by the report dated 22.10.2021 and he was assessed with 30% of disability and recorded that patient has pertinent pain with sciatica and impaired sensation over both feet. Neuro



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surgeon has advised surgical correction. Therefore, the petitioner is not fit for driver post. Hence, the petitioner submitted representation to provide alternative employment. Since the same was not considered, the petitioner approached this Court with the present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. In fact, the petitioner was assessed with 30% of disability by the Medical Board and certified that the petitioner is unfit to the post of driver. When the petitioner is suffering with illness, it is not at all possible for him to drive the vehicle. Considering the above facts and circumstances, the respondents are directed to consider the petitioner's representation based on the Medical Board report and provide him suitable alternative job, within a period of eight weeks from the date of receipt of a copy of this Order.

6. With the above directions, the Writ Petition stands disposed



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of. Consequently, connected miscellaneous petition is allowed. There shall be no orders as to costs.

18.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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