



W.P(MD)No.2218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.2218 of 2024

Umapathi

... Petitioner

Vs.

1.The Chair Person,
The Regional Medical Board,
Rajiv Gandhi Government General Hospital,
Chennai – 03.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Periyamelakuparai,
Trichy Region, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to give alternative work to the petitioner based on the Medical Reports of the first respondent dated 31.05.2023 and 11.10.2023.



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For Petitioner : Mr.N.Ananda Kumar

For Respondents : Mr.J.K.Jeyaseelan for R.1

Mr.K.Jagadeesh Balan
Standing Counsel for R.2 & R.3

ORDER

The present writ petition has been filed seeking direction to the respondent to give alternative work to the petitioner based on the Medical Reports of the first respondent dated 31.05.2023 and 11.10.2023.

2. Heard the learned counsel on either side.

3. The petitioner is working as driver in the respondent transport corporation since 1997. Having completed nearly 26 years of service as a driver, up to 22.01.2020 in the respondent corporation, while he was serving in the Cantonment Branch, on 23.01.2020, he was unable to attend duty. Thereafter, on 01.12.2020, while the petitioner was standing on the road side at about 4.30 p.m, a TATA ACE pickup van had hit him resulting in fracture on his left hand. As a result, he was hospitalized for



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several months and surgery was conducted on his left hand on 26.04.2021. The petitioner was thereafter unable to attend duty because of health condition. He was also suffering from breathing issues and cardiac issues. Since he was not able to continue his duty as a driver, he made a representation on 03.12.2022 seeking the respondents to provide alternative post considering his health condition. Since the same was not considered, he filed W.P(MD)No.28781 of 2022 and this Court vide order dated 22.12.2022, directed the respondents to consider the petitioner's representation within a period of six weeks. Pursuant to the same, the petitioner was directed to appear before the Regional Medical Board, Chennai while proceedings dated 22.03.2023. He duly appeared before the Medical Board on 31.05.2023 and medically examined and report was also issued on the same day observing that the petitioner is unfit to do the duty as a driver and he was also advised for re-assessment after three months and the same was also conducted on him. After four months, on 04.10.2023, even on re-assessment, he was declared unfit to continue as a driver by the said Medical Board. However, till now alternative job is not provided. In view of the same, the present writ petition came to be filed.



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4. Mr.K.Jagadeesh Balan, learned Standing Counsel appearing for the respondent Corporation submitted that on receipt of the report, appropriate action will be taken. However, the petitioner categorically submitted that the report has also sent to the Management.

5. In view of the same, I hereby direct the respondents to give alternative work to the petitioner based on the medical reports of the first respondent dated 31.05.2023 and 11.10.2023 within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

05.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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