



W.P.(MD).No.4780 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4780 of 2024

S.Somasundaram

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
23/2, Thoothukudi Road,
V.M.Chathiram, Kattabomman Nagar,
Tirunelveli District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
Vannarapet, Tirunelveli District.
3. The Assistant Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to refer the petitioner to the medical board or recognized hospital enabling to assess his capacity and consequently direct the 1st respondent to provide the petitioner alternate employment based on the report, within the stipulated time fixed by this Court.



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For Petitioner : Mr. N.Shanmuga Selvam

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to refer the petitioner to the medical board or recognized hospital enabling to assess his capacity and consequently direct the 1st respondent to provide the petitioner alternate employment based on the report, within the stipulated time fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.The petitioner was appointed as Driver in the respondent Corporation. While so, his eye was affected and he underwent medical examination for his eye in the Agarwal Eye Hospital and as per letter, dated 27.06.2023 he was diagnosed that he was unfit to drive the vehicle. On that basis, he was permitted to go on medical leave. Thereafter, he was not given with any other alternative work. In view of his ailment in his eye, the respondents has to be directed to refer him to the medical Board, so as to, provide him with alternative job. Since the same was not done by the respondents, this writ petition came to be filed.

5.In view of the same, the respondents are directed to refer the petitioner to Rajaji Medical College Hospital, Madurai to assess his incapacity, within a period of twelve (12) weeks, from the date of receipt of copy of this order. Consequently, on the basis of the report received from the said Hospital, the first respondent is directed to provide him with alternative job, within a period of four (4) weeks, thereafter.



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6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

01.03.2024

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

PNM

ORDER IN
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