



W.P.(MD)No.7433 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.7433 of 2021
and
W.M.P.(MD)Nos.5619 and 5620 of 2021

S.Karuppasamy

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli Division,
Tirunelveli.

3. The Joint Director,
Welfare Office,
Tirunelveli District at Tenkasi.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the impugned order passed by the 3rd respondent under Na.Ka.No. 3115/Ma.Ku/2021, dated 26.03.2021 and to quash the same as illegal and



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direct the respondents herein to follow the Medical Certificate dated 06.09.2019 issued by the Medical Board, Department of Medicine, Kanyakumari Government College Hospital, Asaripallam, Nagercoil and further direct the respondents to disburse the backwages for the period of 818 days which is the period in which the petitioner was declined to perform his duty in spite of his readiness to do so.

For Petitioner : Mr.B.Rajasekar,
for Mr.K.R.Laxman

For Respondents : Mr.R.Rajamohan

ORDER

The petitioner is a Driver of the respondent Transport Corporation. The petitioner, by complaining that he is having shoulder pain, has requested the respondent Corporation to provide him an alternative employment. The petitioner was referred to the Medical Board. The Medical Board has given a report that the petitioner is fit to be a Driver. Now, the petitioner has filed this writ petition challenging the notice dated 26.03.2021, issued by the 3rd respondent, wherein, he was directed to appear before the Medical Board on 04.04.2021 and also for a direction to the respondents herein to disburse the backwages for the period of 818 days that he was declined to perform his duty on those days.



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2. Pending this writ petition, the petitioner has filed W.P.(MD)No. 19699 of 2022 seeking a direction to the respondent Corporation to issue the salary for a period of 643 days and also another writ petition in W.P. (MD)No.22198 of 2024 seeking a direction to the respondent Corporation to provide alternative employment.

3. The writ petition filed by the petitioner in W.P.(MD)No.19699 of 2022 seeking the salary for a period of 643 days, was disposed of by this Court on 25.08.2022, with a direction to the respondents to consider the petitioner's representation within a period of eight weeks from the date of receipt of a copy of this order.

4. In another writ petition filed by the petitioner in W.P.(MD)No. 22198 of 2024, this Court, by considering the submissions made by the respondent Corporation, that the petitioner was referred to the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai on 23.03.2018 and the Medical Board has issued a certificate to the effect that the medical illness of the petitioner does not make him unfit for the job of a



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driver, dismissed the writ petition, by order dated 19.09.2024.

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5. In view of the subsequent development that the very same issue has already been addressed by this Court in W.P.(MD)No.22198 of 2024, by order dated 19.09.2024, this writ petition is closed as no further order is required. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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3. The Joint Director,
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B.PUGALENDHI, J.

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