



W.P.(MD)No.16784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16784 of 2024

K.Muthuchamy

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

3.The Assistant Manager (Commercial & Technical)
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Aravakurichi Branch,
Karur Region,
Aravakurichi.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the Respondent No.3 in Ref. No.TNSTC/KUM/KaMa/Tho.U/287/2024 dated 28.06.2024 quash the same in so far as posting the petitioner in Ticket and cash duty and consequently to direct the Respondents herein to provide suitable alternative employment as Non-ITI helper with pay protection and to treat the period from 17.03.2024 to till the date of providing suitable alternative employment as duty period with all service and monetary benefits.

For Petitioner : Mr.D.Siva raman

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

Heard Mr.D.Siva raman, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned order of the third respondent in Ref. No.TNSTC/KUM/



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KaMa/Tho.U/287/2024 dated 28.06.2024 in so far as posting him in Ticket and Cash duty and to direct the respondents to provide suitable alternative employment to him as Non-ITI helper with pay protection and to treat the period from 17.03.2024 to till the date of providing suitable alternative employment as duty period with all service and monetary benefits.

3. The petitioner who was working as a Driver in the fourth respondent Corporation has been given with alternate employment of Ticket and Cash duty in view of his medical condition and on the recommendation made by the Medical Board. The petitioner has now filed this writ petition stating that he is not able to do the work allotted in ticket and cash counter as he has to work before the system for long hours.

4. The Certificate issued by the Medical Board states that the petitioner is affected by 'cervical spondylosis (c3-c5, c5-c6-c1) c bilateral cervical radiculopathi locomotor disability' and that he is not fit for the



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driver job. From that Certificate, it is difficult to presume that the petitioner is not at all fit for doing any job which requires sitting posture. The petitioner's disability is only 30% and if the petitioner feels that he could not cope up with the alternate employment now allotted to him, it is for him to request the respondents to send him once again for medical examination and on such request, if any by the petitioner, the respondents shall send him for medical re-assessment and the opinion of the Board may be obtained whether he is fit for the job now assigned to him as ticket and cash duty and thereafter take a decision in this regard.

5. With the above observations, the writ petition is **disposed of**.

No costs.

24.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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