



W.P.(MD)No.17346 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17346 of 2024

B.Stalin

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pugai Vandi Nilaya Puthiya Salai,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Thirumanilaiyur,
Karur Division,
Karur.

3.The Branch Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kulithalai Branch,
Karur.

... Respondents

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 impugned order of the respondent in Tha.A.Po.Ka/Kama/Ku/Kime/485/2024 dated 06.07.2024 to set aside



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same as illegal and consequently direct the respondent to give alternate employment to the petitioner as per Sec.47(1) of persons with Disabilities (Equal opportunities, protection of rights and full participations) Act 1955.

For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order of the respondent in Tha.A.Po.Ka/Kama/Ku/Kime/485/2024 dated 06.07.2024 with a consequential direction to the respondent to give alternate employment to the petitioner as per Sec.47(1) of persons with Disabilities (Equal opportunities, protection of rights and full participations) Act, 1955.

2. Heard Mr.K.Muthu Ganesa Pandian, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for respondents.



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3. The petitioner, who was working as a Conductor in the respondent Corporation, met with an accident in the year 2017, due to which, the petitioner was unable to perform his regular function as a Conductor and hence, he sought for an alternative employment. Since no alternative employment was provided to the petitioner, he filed a writ petition before this Court in WP(MD)No.10448 of 2023, wherein a direction was issued to the petitioner to be produced before the medical board and to get a report, based on which, the second respondent therein would pass orders on the petitioner's representation.

4. Subsequent to the order passed by this Court, the petitioner appeared before the medical board. The medical board of Government Medical College Hospital, Karur, has given an opinion on 14.06.2023 stating that the petitioner has been suffering from “OA both knees post traumatic stiffness, both ankles” and the medical board of Rajiv Gandhi Government General Hospital, Chennai, has given an opinion 05.07.2023 stating that the petitioner had locomotive disability of 40% and he has to be re-assumed after six months. Thereafter, the petitioner did not join



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duty. In the meantime, the Conductor licence also got expired on 29.06.2024. Hence, the impugned order dated 06.07.2024 has been passed stating that in the event of the petitioner not producing the conductor licence after having got it renewed, disciplinary action will be taken against him.

5. On perusal of the materials available on record, it is seen that the medical board did not give any final opinion stating that the petitioner is not fit for acting as Conductor. The petitioner has been affected with temporary locomotive disability of 40% and in such case, the petitioner ought to have been subjected to medical re-assessment, if necessary. Infact, the order of the second respondent has also stated the above facts and has directed the petitioner to join with effect from 21.09.2023 atleast. But the petitioner did not turn to join duty even thereafter, despite he has been given with one year medical leave. Only if the petitioner could report duty, then his conductor licence can be renewed. Without following the directions of the employer, the petitioner cannot seek such remedy as prayed for.



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6. In view of the above observations, this writ petition is disposed of by directing the petitioner to report before the respondent Corporation and give a representation to renew his conductor licence. On receipt of the same, the same shall be considered by the respondent Corporation and pass appropriate orders as early as possible, on merits and in accordance with law. If necessary, the respondent Corporation shall also send the petitioner for medical re-assessment before the medical board and get its opinion. No costs.

29.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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