



W.P(MD).No.21400 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21400 of 2023

and

W.M.P(MD)No.17806 of 2023

K.Sreekumar

...Petitioner

Vs

1.The Branch Manager,
Tamil Nadu State Transport Corporation,
Nagerkovil Zone,
Kulithurai Terminal.

2.xxxxx

3.The Administrative Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.

4.The General Manager,
Tamil Nadu State Transport Corporation,
Nagerkoil Zone,
Ranithottam.

5.The Divisional Manager,
Tamil Nadu State Transport Corporation,
Nagerkoil Zone,
Ranithottam.

...Respondents

(R2 is deleted vide Court order, dated 01.09.2023)



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records in 2583/A5/THA APOGA (Tli)/Nager/2020, dated 25.05.2023 on the file of the 1st respondent and quash the same and directing the 1st respondent to refer the petitioner to the Medical Board for fixing his disability and obtain a report and thereafter to consider his representation, dated 20.02.2023.

For Petitioner : Mr.Brijesh Kishore

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present writ petition has been filed to call for records in 2583/A5/THA APOGA (Tli)/Nager/2020, dated 25.05.2023 on the file of the 1st respondent and quash the same and directing the 1st respondent to refer the petitioner to the Medical Board for fixing his disability and obtain a report and thereafter to consider his representation, dated 20.02.2023.

2. The petitioner is a Driver in the respondent Corporation since 1994. He is the sole bread winner of his family. While in service, he suffered with High Blood Pressure and Renal (Kidney) failure, as a result of which he was provided with an alternative job and was appointed as a Time Keeper and a Cleaner on 19.01.2022 and he worked till 28.01.2023. However, after 28.01.2023, he was not given with any job. Hence, he made a representation



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on 20.02.2023 to the respondents seeking alternative employment. The respondents rejected the said representation and passed an order on 25.05.2023, relying upon the report of the Medical Board of Rajiv Gandhi Government Hospital, Chennai, in which the percentage of the petitioner's disability was not stated. In view of the same, this writ petition came to be filed.

3. The learned Standing Counsel appearing for the respondent Board on instructions submitted that unless and until the petitioner attends the Medical Board for medical examination to assess his disability, they would not be in a position to provide him with alternative employment. In view of the same, the petitioner has to be subjected to complete medical examination afresh for the purpose of assessing his medical disability.

4. In view of the same, this Court hereby quashes the impugned order, dated 25.05.2023 and thereafter, direct the 1st respondent to refer the petitioner to Kanyakumari Government Hospital at Asaripallam, Nagercoil, Kanyakumari District on or before 27.02.2024 and thereafter, the Medical Board is directed to immediately issue an assessment report on or before 28.02.2024. On the basis of the report, the respondents are directed to accommodate the petitioner within 01.03.2024 with all service benefits.



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5. With the above said observations, this Writ Petition stands disposed

of. No costs.

23.02.2024

Internet : Yes

Index : Yes/No

NCC : Yes/No

Note : Issue order copy on **26.02.2024**.

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To

1.The Branch Manager,
Tamil Nadu State Transport Corporation,
Nagerkovil Zone,
Kulithurai Terminal.

2.The Administrative Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Nagerkoil Zone,
Ranithottam.

4.The Divisional Manager,
Tamil Nadu State Transport Corporation,
Nagerkoil Zone,
Ranithottam.

5. Kanyakumari Government Hospital
at Asaripallam,
Nagercoil, Kanyakumari District.



WEB COPY



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L.VICTORIA GOWRI, J.

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23.02.2024