



W.P.(MD).No.29566 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29566 of 2024

and

W.M.P.(MD).Nos.24939 & 24941 of 2024

S.Arumugam

... Petitioner

-VS-

1.The TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3. The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in Ka.No.253/PaPi-E5/TNSTC(KU)Kumba/2024 dated 12.11.2024 and Ka.No.253/PaPi-E5/TNSTC(Ku)Nagai/2024 dated 12.11.2024 in so far as referring the



W.P.(MD).No.29566 of 2024

petitioner to the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai-3 to ascertain his physical fitness to work as Conductor, quash the same as illegal and in violation of Rule 575 and 576 of Tamilnadu Medical code and consequently direct the respondents to forthwith provide light duty/desk work to the petitioner during daytime along with continuity of service, pay protection in the post of Conductor by changing the name/nomenclature of the job of Conductor which hitherto he had been doing before alternative employment was offered to him and to pay back wages to him for the non-employment period during every alternative week commencing from 22.08.2024 to till date.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

ORDER

The instant writ petition has been filed by an employee of the respondent Transport Corporation, challenging the order, wherein the petitioner is referred to the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai to ascertain his physical fitness to work as conductor and consequently direct the respondents to forthwith provide light duty/desk work to the petitioner during day time along with continuity of service.



W.P.(MD).No.29566 of 2024

WEB COPY

2. The petitioner who is working as a Senior Conductor in the respondent Transport Corporation had appeared before the Medical Board of Rajiv Gandhi Government Medical College Hospital, Chennai and they have found him unfit to perform the duties of Conductor. Thereafter, the respondent corporation has allotted day and night duties on alternative days. It is the grievance of the petitioner that the night duty aggravates the decrease of the petitioner and he has sought for exclusive day duty. The respondent management has passed an order on 12.11.2024, directing the petitioner to again appear before the Board to get a Certificate to the effect that he is not fit for any night duty. The said order is under challenge in the present writ petition.

3. As per the written instructions of the respondent, issued to the standing Counsel of the respondent Corporation, they could accommodate the writ petitioner in the day duty, provided to the petitioner is certified so by the Medical Board.



W.P.(MD).No.29566 of 2024

WEB COPY

4. In view of the above said facts, as per the impugned order, the petitioner is directed to appear before the Medical Board of Rajiv Gandhi Government Medical College Hospital, Chennai to ascertain his fitness to work in night hours. After receipt of the report from the Medical Board, the respondent Transport Corporation is at liberty to take decision based upon the said report.

5. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



W.P.(MD).No.29566 of 2024

WEB COPY

To

1.The TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3. The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.



WEB COPY



W.P.(MD).No.29566 of 2024

R.VIJAYAKUMAR,J.

gvn

W.P(MD)No.29566 of 2024

09.12.2024