



WEB COPY



W.P.No.4763 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.4763 of 2024

Murthy

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd,
Villupuram.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Region,
Villupuram-605 602.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records vide Ka.No.31/30356/Nee7/TNSTC(V)2017 dated 08.02.2024 and quash the same as arbitrary, illegal and incompetent and further direct the first respondent to assign an light duty to the petitioner permanently considering the petitioner's health and also disburse the salary from 01.04.2022 to 29.02.2024 (one year and ten months and 28 days) along with 24% interest.



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For Petitioner : Mrs.Beulah John Selvaraj
For Respondents : Ms.S.Pavithra, Standing Counsel
RR1 & 2

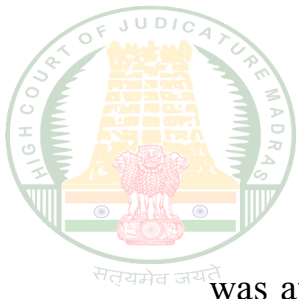
ORDER

The instant writ petition has been filed challenging the impugned order dated 08.02.2024, in and by which, he was directed to continue the occupation as a driver.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The learned counsel for the petitioner would submit that he was diagnosed with pigmentation patches in his hands as well as strangulated incisional hernia. According to the petitioner, he has low sensation in his hands and therefore, he could not drive a bus. Hence, as per the Rights of the persons with disabilities Act, he is entitled for an alternative duty.

4. The learned Standing Counsel would submit that the petitioner



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was affected by a hernia and therefore, he has made a representation dated 30.05.2016 to provide an alternative job. Based on the Special Committee's recommendations, the Corporation has offered light duty to the petitioner from May 2016 to September 2022, totalling 41 months. Thereafter, the petitioner was referred to the Medical Board and according to the Medical Board report dated 09.11.2022, the petitioner is fit to continue his occupation as a driver. Thereafter, the impugned order has been passed.

5. I have given my anxious consideration to the submission made on either side.

6. According to the learned counsel for the petitioner, the report of the Medical Board was issued by the Neuro Surgeon, which is not correct and it should have been given by the Dermatologist and Gastroenterologist. However, this Court is not in a position to accept the submission of the learned counsel for the petitioner.



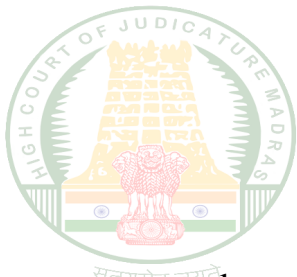
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7. According to the proceedings of the respondents, the petitioner

was referred to the Medical Board and the Medical Board has consist of specialized Doctors from various medical fields. After consultation, the Medical Board felt it that the petitioner is to be investigated by the Neuro Surgeon and ultimately, given a report on 09.11.2022 certifying the fitness of the petitioner. Therefore, when an expertbody has given a report, unless the report is tainted with malafide, the same is not amenable to the judicial review.

8. In the case in hand, only based upon such medical report, the impugned order has been passed. Therefore, this Court do not find any merits in the present writ petition. However, while looking at the photographs, annexed with this typed set of papers, he has got an operation in his stomach and he has also got some injuries in his foot. It is in this background and also on the ground that the medical report is of the year 2022 and considering the factum of the petitioner had been given light duty from May 2016 to September 2022, this Court would like to give a liberty to



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the petitioner to again give a representation to the respondents seeking light duty.

9. In view of the above discussion, this Court directs the petitioner to give a fresh representation to the respondents within a period of seven days from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents shall consider the same sympathetically and pass orders, on its own merits and in accordance with law, within a period of four weeks, thereafter.

10. With the above direction, the writ petition is dismissed. No costs.

08.07.2025

rli

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No



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C.KUMARAPPAN, J.

rli

To

1.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd,
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2. The Managing Director,
Tamil Nadu State Transport Corporation,
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