



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.8022 of 2025
and W.M.P.No.8991 of 2025

A.Venkatesan

.. Petitioner

Vs.

1.The Chairman & Secretary to the Government
Transport Department
Government of Tamil Nadu
Fort St. George
Chennai – 600 009.

2.The General Manager
Tamil Nadu State Transport Corporation (Salem) Limited
Salem – 7.

3.The Branch Manager
Omalur Branch
Tamil Nadu State Transport Corporation (Salem) Limited
Omalur, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.01.2025 and refer the petitioner for examination before medical board to consider his absence from 20.11.2024 to 20.12.2024 as medical leave and assign duties in consideration of medical board report.



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For Petitioner .. Mr.T.Pichappa
For R1 .. Mr.S.Yashwanth, AGP
For R2 and R3 .. Mr.K.Raja, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to consider a representation given by the petitioner on 26.01.2025 and refer the petitioner for examination before the Medical Board and to consider his absence from 20.11.2024 to 20.12.2024 as medical duty.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner who had joined as driver on 29.01.2020 under the respondent Corporation suffered frequent extreme fatigue, dizziness and fainting. He claims that he had been checked at Kovai Medical Centre and Hospital, Coimbatore. He had taken leave from 20.11.2024 to 20.12.2024. He seeks that he should be referred to the Medical Board.

3.A counter affidavit had been filed that the eligible leave period had



been sanctioned from 21.12.2024 to 20.01.2025 for 30 days. But it had been contended that the petitioner had not forwarded medical reports about his fitness or unfitness. It had been stated that the petitioner is avoiding responsibility allotted to a driver. The specific diseases which are specified under the Rights of Persons with Disability Act, 2016 had also been stated in the counter affidavit.

4.The petitioner may first get himself examined by the Government Hospital and get appropriate certificate about his fitness to function as driver. The certificates produced from a private hospital cannot be taken into consideration. He must get certificate from the Government Hospital and later on the basis of those certificates, the respondents may taken a decision about referring him to the Medical Board. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

15.04.2025

Index:Yes/No
Internet:Yes/No
smv

To



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C.V.KARTHIKEYAN,J.



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