



W.P.No.13649 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13649 of 2023
and W.M.P.No.13320 of 2023

R.Sachithanandan

... Petitioner

Vs.

1.Tamil Nadu State Transport,
Corporation (Villupuram)Ltd.,
Rep., by its Managing Director,
3/137, Salamedu,
Villupuram-2

2.The General Manager,
Tamil Nadu State Transport,
Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore- 607 002.

3.The Dean
The Rajiv Gandhi Government General Hospital,
Chennai-600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to provide the



petitioner suitable alternative employment on permanent basis in commensurate with his health condition, with continuity of service, pay protection, back wages and other service benefits from 15.05.2022, to refer the petitioner to the 3rd respondent Medical Board and to provide him light duty based on the report submitted by the Medical Board and to treat the entire period from May 2019 till date during which he was not given light duty as duty with pay for all purposes, award costs.

For Petitioner : Mr.H.Nandhini

For Respondents : Mr.Ashwin
Standing Counsel for R1 & R2
Mr.Tippu Sultan
Government Advocate for R3

ORDER

The writ petition has been filed to direct the respondents 1 and 2 to provide the petitioner suitable alternative employment on permanent basis in commensurate with his health condition, with continuity of service, pay protection, back wages and other service benefits from 15.05.2022, to refer the petitioner to the 3rd respondent Medical Board and to provide him light duty based on the report submitted by the Medical Board and to treat the entire period from May 2019 till date during which he was not given light duty as duty with pay for all purposes, award costs.



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2.The case of the petitioner is that the petitioner joined service of the 1st Respondent Corporation as a Driver from Employment Exchange list on 24.10.2007 and he was made permanent from 21.05.2009 at Virudhachalam Branch-I Depot. In the year 2013 June the petitioner had severe back pain and as it was not tolerable, he went for a Medical check-up and came to know through the Doctors that his spinal cord has been severely damaged and that he has to undergo surgery immediately for the disc bulge. The petitioner was taking treatment continuously and the Doctors advised that it is not possible for him to do the job of a Driver and advised him to do any light job as the petitioner was not in a position to drive the vehicle as he had severe back pain. As he was unfit he approached the officials to provide him with a lighter duty, along with the medical certificates. Based on the medical reports, the 1st Respondent / Corporation provided him with a light duty from the year 2016 as 'Time Keeper' at the Depot and also was given a New Employee No. Helper Non ITI HD 1014. The said employment was provided and there was no continuity.

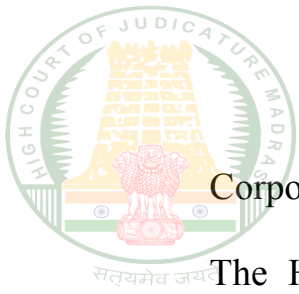
3.Learned counsel for the petitioner states that the employment has to be given without any break. The 1st Respondent Corporation, referred him to the medical board at Rajiv Gandhi Government General Hospital, Chennai, on



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24.04.2019 for treatment. The medical board, by letter dated 20.06.2019, directed him to appear before the board on 28.06.2019. The medical board on its report dated 28.06.2019 stated that he has to appear before the ortho and spine department for assessing. They certified that the petitioner is unfit for the post of driver and also advised him to take any alternate job by report dated 06.07.2019. The Corporation, has given him with a light duty for a period of one year as 'Helper' by order dated 20-01-2021 after he will be re-assessed again after a year. On 11.01.2022, he was again referred him to appear before the Medical Board at Rajiv Gandhi Government General Hospital, Chennai and again he was denied light duty without any further physical assessment and therefore, the petitioner sent various representations from 23.07.2022, to 24.12.2022 requesting the 1st Respondent / Corporation to provide him a lighter job.

4.The learned Standing Counsel appearing for the 1st Respondent / Corporation stated that the petitioner will be given lighter duty only after getting a medical report from the Medical Board. The medical board at Rajiv Gandhi Government General Hospital, stated that they will inform the petitioner through a letter dated 11.01.2021, to come for the medical examination but the hospital authority has not called him for any assessment.



Corporation has said that they have already sent a letter to the medical board.

The Hospital said that they have not received any such letter from the Corporation and they are only passing the time, by not giving the employment as per the disability of the petitioner concerned. The petitioner's request was not at all considered as it has been made clear that petitioner is not in a position to do the job of a driver and he has to given a lighter duty. He has stated that he has to be given the duty continuously on permanent basis as per the medical condition and pay protection backwages from 15.05.2022 and referred the petitioner to the another hospital for further medical examination.

5.The learned Standing Counsel appearing for the respondents 1 and 2 stated that the petitioner was again sent to the Medical Board and only after obtaining report, his case would have been reconsidered. As the petitioner did not produce the medical certificate in the year 2022, this case was not considered further.

6.This Court after hearing the parties directed the petitioner to appear before the Medical Board , Rajiv Gandhi Government General Hospital, directing the Dean to assess him. On 12.02.2025 in proceedings No.00424/RMB/RGGGH/2025 the petitioner who is 50 years old driver was



considered and after the view as per Neurosurgery and PMR opinion the petitioner had a permanent disability of 50%. Hence, in view of the above said opinion given by Medical Board of Rajiv Gandhi Government General Hospital, Chennai. The petitioner's case ought to have been considered by the authorities concerned.

7. Heard both sides and perused the materials available on record.

8. Considering the facts and circumstances of this case, this Court directs the respondents to consider the claim made by the petitioner and pass appropriate orders by giving him a job which will be a lighter job considering his age and pay him considering the claim made by him for backwages from the year 2022 also to be consider and pass appropriate order within a period of two weeks from the date of receipt of a copy of this order.

9. The petitioner is directed to get the copy from the said Hospital and on production of the original, the respondent is directed to consider it and pass appropriate orders regarding the prayer sought within a period of 8 weeks.

10. Resultantly, the writ petition stands disposed of. No costs.



W.P.No.13649 of



Consequently, connected miscellaneous petition is closed.

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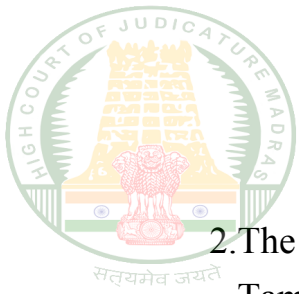
Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Managing Director,
Tamil Nadu State Transport,
Corporation (Villupuram)Ltd.,
3/137, Salamedu,
Villupuram-2.



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2.The General Manager,
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V.BHAVANI SUBBAROYAN,J.

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