



WEB COPY



W.P.No.18787 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.18787 of 2025 and
W.M.P.No.21036 of 2025

Prakasam

...Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd
Rep by its Managing Director
No.12, Ramakrishna Road,
Salem - 636 001.

2. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd
Salem - 363 001. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in L.No.E4/4507/TNSTC/Salem/2025 dated 18.01.2025 quash the same and direct the respondents to provide non-driving office job to the petitioner based on the Medical report dated 12.11.2024 of the Urology Department, Madras Medical College, Chennai.

For Petitioner : Mr.V.Elangovan
For R1 and R2 : Mr.K.Raja,
Standing Counsel



WEB COPY



W.P.No.18787 of 2025

ORDER

The writ petition is filed for the relief herein below set out:

calling for the records relating to the order passed by the second respondent in L.No.E4/4507/TNSTC/Salem/2025 dated 18.01.2025 quash the same and direct the respondents to provide non-driving office job to the petitioner based on the Medical report dated 12.11.2024 of the Urology Department, Madras Medical College, Chennai.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that he was sponsored by the Employment Exchange for the post of Driver in the respondent Corporation in the year 2007. He was originally appointed as Driver on daily wage basis from September 2007 onwards. After working continuously for more than 480 days, the petitioner has been regularized in service. While so, prior to his regularization, when he was driving the bus from Salem to Thiruvarur, near Vallam in Thanjavur District on 04.12.2007 at around 4 a.m., a lorry was coming on the opposite direction in a rash and negligent manner. In order to avoid the accident, the petitioner had steered the vehicle to the extreme left.



W.P.No.18787 of 2025

On account of ongoing road work, the bus had capsized, as a result of which the petitioner had sustained severe injuries on his back and he had to undergo treatment for a long period of time.

2.2. As he was suffering from severe pain, he had made a representation dated 26.11.2019 to the Respondents requesting them to provide alternative employment. His request was turned down by stating that if the pain become unbearable it is open to the petitioner to go on leave. On account of this, the petitioner had continued as a driver. As a result of which, he suffered acute pain. When he had consulted the doctors he was advised to undergo surgery and it was clearly stated that if the petitioner undergo surgery he would not be in a position to continue his job as a driver. Therefore, the petitioner did not opt for surgery and continued with palliative medicines. The petitioner had made representations on 14.12.2021 and 28.01.2022 to the respondents to consider him for alternative employment, however no action was taken. Hence, the petitioner had made an application dated 04.03.2024 seeking voluntary retirement from service on account of his ill health, however, the request was turned down by the second respondent by letter in Lr.No.E4/4507/Pa.Pi/TNSTC/Salem/2024 dated 19.03.2024 wherein it was



W.P.No.18787 of 2025

stated that Voluntary Retirement Service could not be considered as a case was pending before the Labour Court, Salem filed by the petitioner against the punishment of stoppage of increment for a period of three years with cumulative effect.

3. The petitioner would submit that he is suffering from Rheumatoid Arthritis, urology issues and also affected with tuberculosis. As a result of these, he was not able to report to duty on 13.02.2024 and was on loss of pay. Earlier, the petitioner had filed Writ Petition in W.P.No.2524 of 2024 seeking a mandamus to respondents to consider his representation for referring him to Medical Board to assess his ability to drive heavy vehicles, however, no action was taken. Therefore, the petitioner had filed W.P.No.20524 of 2024. The said writ petition was allowed and the respondents was directed to pass orders within a period of four weeks from the date of the receipt of the copy of the order. By order dated 25.07.2024, the petitioner had thereafter provided all the medical records which was issued to him by the Rajiv Gandhi Government General Hospital and after receipt of these documents which included a report dated 11.12.2024 of the Rajiv Gandhi Government General Hospital, the second respondent had passed an impugned order. Aggrieved, the petitioner is



W.P.No.18787 of 2025

before this Court.

WEB COPY

4. No doubt, the impugned order complied with to the petitioner's representation and the order in W.P.No.2524 of 2024, however, the order has been passed only in the month of January 2025.

5. Heard the learned counsels on either side and perused the records.

6. In the interregnum, the petitioner has provided hospital details obtained from he Rajiv Gandhi Government General Hospital. The learned Counsel for the petitioner would submit that since the reports have been received from the Government General Hospital, the respondent can consider and pass orders based on these reports, without insisting upon yet another examination by the medical board.

7. That apart, the respondent would submit that before passing the order, the respondent has not informed the petitioner that they were going to consider the representation. Had they informed the petitioner, he could have come over and explained the details of his ailment and submitted the medical reports. The Reports indicate that the petitioner is suffering from incontinence tuberculosis as well as Rheumatoid Arthritis however report would show that the ailment is temporary and disability to the extent of 40%. These documents



W.P.No.18787 of 2025

have not been looked into by the respondents who were rushed to pass the impugned order. **Therefore, the writ petition is allowed.** The impugned order is set aside and the matter is remitted back to the second respondent to consider the petitioner's representation favourably, taking into account, the medical reports and if required, the respondents can refer the petitioner to the medical board and on such reference, the petitioner shall appear for medical examination. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.08.2025

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



W.P.No.18787 of 2025

WEB COPY

- To
1. The Secretary,
Revenue Department,
Secretariat,
Chennai - 600 009.
 2. The Additional Chief Secretary/
Joint Commissioner of
Revenue Administration,
Ezhilagam, Chepauk,
Chennai
 3. The Principal Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai, Chennai - 600 018.



WEB COPY



W.P.No.18787 of 2025

P.T.ASHA J.

shl

W.P.No.18787 of 2025 and
W.M.P.No.21036 of 2025

21.08.2025