



W.P.(MD)No.7648 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7648 of 2025
and W.M.P(MD).No.5802 of 2025

S.Muthuselvam

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Bye Pass Road,
Madurai 625 016.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to provide the petitioner with permanent suitable alternative employment from 17.12.2025 in accordance with his medical condition and to refer him to the medical board for determining his fitness and suitability for light duty with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.G.M.Xavier



WEB COPY



W.P.(MD)No.7648 of 2025

For Respondent : Mr.S.Raja
Standing Counsel

ORDER

The case of the petitioner is that he is working as Driver from the year 2008 in the respondent corporation. He rendered 16 years of unblemished service. On 31.12.2017, during the course of employment, he met with an unfortunate accident and thereby he sustained fracture in his spinal cord. After the accident, he was hospitalised and got continuous treatment. He became permanently disabled. Thereafter, on 30.12.2024, surgery was conducted in his spinal cord. However, he has not been completely cured and he is unable to move his spinal cord and neck. It is the case of the petitioner that despite his request for medical leave, the respondent corporation had failed to sanction the same. Thereafter, he approached the respondent corporation requesting to refer him to the Medical Board to ascertain his medical fitness and to provide alternative employment by entrusting light works. But, there is no response from the respondent. Finally, he sent a representation on 21.02.2025 to the respondent to refer him to the Medical Board. The said representation was not considered by the respondent. Aggrieved by the same, he filed this present writ petition.



W.P.(MD)No.7648 of 2025

WEB COPY

2. Heard Mr.G.M.Xavier, learned counsel for the petitioner and Mr.S.Raja, learned Standing Counsel for the respondent and perused the materials available on record.

3. A careful examination of materials available on record, it appears that the request made by the petitioner by way of representation dated 21.02.2025 is to recommend him to the Medical Board to find out his medical fitness is not considered. This Court is unable to understand why the respondent is not considering the request of the petitioner. If the petitioner is referred to Medical Board and thereafter, it is found that his claim for alternative employment is unfounded, as he is deemed fit to perform any work, then the respondent can pass orders as deemed appropriate. But, not considering the petitioner's request to refer him to the Medical Board is unreasonable and unjustified. Accordingly, this Writ Petition is **disposed of** with the following direction:-

(i) The respondent shall consider the representation of the petitioner, dated 21.02.2025 and refer him to the Medical Board to find out his medical fitness. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order;



W.P.(MD)No.7648 of 2025

WEB COPY

(ii) Upon receiving a report from the Medical Board, if the petitioner is found unfit to continue as a driver, the respondent shall accommodate him in any alternative employment by allotting lighter duty suitable to his health condition, within a period of four weeks, thereafter.

No costs. Consequently, connected Miscellaneous Petition is closed.

02.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Rmk



W.P.(MD)No.7648 of 2025

WEB COPY

To:

The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Bye Pass Road,
Madurai 625 016.



WEB COPY



W.P.(MD)No.7648 of 2025

BATTU DEVANAND, J.

Rmk

W.P.(MD)No.7648 of 2025

02.04.2025