

W.P.(MD)No.9427 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

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CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9427 of 2025

Lingeswaran

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Nagercoil,
Kanyakumari District.

2.The General Manager,
Tamil Nadu Transport Corporation (Tirunelveli Limited),
Rani Thottam,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide suitable job to the petitioner due to his medical illness based on the medical certificate issued by the doctors thereby consider the petitioner's representation dated 14.03.2025.



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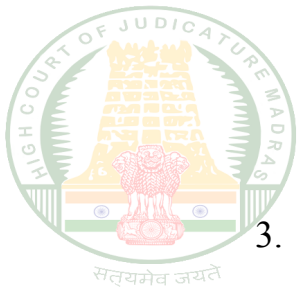
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For Petitioner : M/s.R.Jeya Revathy
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.D.Jebaraj
Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondents to provide suitable job to the petitioner due to his medical illness based on the medical certificate issued by the doctors and by considering the petitioner's representation, dated 14.03.2025.

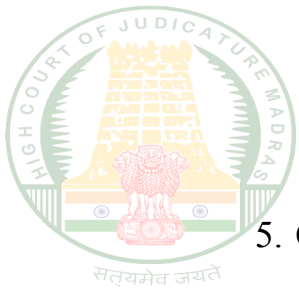
2. The case of the petitioner is that he is working as the Driver in the second respondent Corporation for the past 13 years. He suffered with severe heart pain. As a result, on 09.01.2018, he undergone open heart surgery. After taking three months treatment, he joined the duty. He has been suffered with a mild pain on chest while he is driving the bus. On 13.02.2023, while he is driving the bus, he suffered with mild attack. In order to prevent from the clutches, he fell down inside the bus.



W.P.(MD)No.9427 of 2025

3. The learned counsel for the petitioner submits that a person, who suffered with severe heart disease could not drive the vehicle carefully with great consciousness. The learned counsel for the petitioner submits that if there may be any untoward incident would happen while the petitioner driving the vehicle, it would cause severe damages and life threat not only to the petitioner but also to the passengers. Under these circumstances, he left with no other remedy, he made frequent requisitions to the second respondent in person to consider his condition and accommodate him in any alternative job. Finally, on 27.02.2023, he submitted a representation. But it was not considered. On 25.02.2025, in the routine medical checkup, the Doctor advised the petitioner that not to drive the heavy vehicles and issue certificate to that effect. Under these circumstances, he submitted a representation, dated 14.03.2025 to the second respondent to provide suitable job by considering his medical status based on the medical certificate issued by the Doctors. But there was no response from the second respondent.

4. The learned Standing Counsel for the second respondent submits that the representation of the petitioner will be considered in due course by following due process of law.

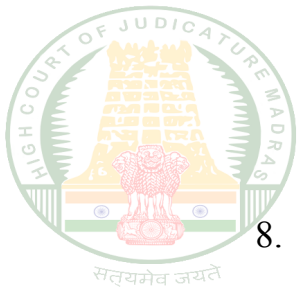


W.P.(MD)No.9427 of 2025

5. Considering the facts and circumstances of the case, if the contention of the petitioner is that he had undergone open heart surgery on 09.01.2018 is true, definitely the petitioner may not be in a position to drive the heavy vehicles. Due to strain, there is every possibility of suffering of mild attack. Under these circumstances, the second respondent ought to have considered the request of the petitioner to provide alternative job to him.

6. This Court fully agreeing with the contention of the learned counsel for the petitioner that if any untoward incident happen while the petitioner is driving the bus with the passengers, it will cause severe loss to the petitioner and it will cause serious irreparable damage to the life of the passengers travelling in that bus and also the public, who are on the roads.

7. In view of the situation, the second respondent ought to have considered the representation of the petitioner, if necessary by sending the petitioner to the medical board to get proper report to check the health condition of the petitioner and also earlier reports. Without doing that, forcing the petitioner to work as Driver to drive the bus is unjustified and irresponsible.



W.P.(MD)No.9427 of 2025

8. For the aforesaid reasons, this writ petition is disposed of with the following directions:

(i) The second respondent shall consider the representation, dated 14.03.2025 of the petitioner and take decision as expeditiously as possible not beyond 10 days from today.

(ii) If the second respondent intends to refer the petitioner to the medical board, it is open to him to refer the petitioner to medical board for expert opinion before taking decision of the representation of the petitioner.

No costs.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

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- 2.The General Manager,
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W.P.(MD)No.9427 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.9427 of 2025

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