



W.P.(MD)No.11706 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.11706 of 2025

and

W.M.P.(MD).No.8642 of 2025

P.Saravanan

... Petitioner

Vs.

The General Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Bye pass Road,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to provide permanent suitable alternative employment in accordance with petitioner 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.



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W.P.(MD)No.11706 of 2025

For Petitioner

: Mr.G.M.Xavier

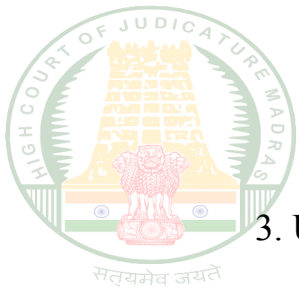
For Respondent

: Mr.Gladson Michael Rajadurai
Standing Counsel

ORDER

Heard, the learned Counsel appearing for the petitioner, learned Standing Counsel appearing for the respondent and carefully perused the materials available on record.

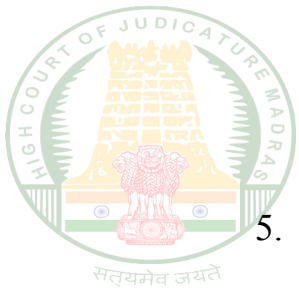
2. The case of the petitioner is that the petitioner was appointed as a Driver on 24.09.2008, in the respondent Transport Corporation. Thereafter, he was promoted to the post of selection Grade Driver and he rendered service for the last 16 years in the respondent Transport Corporation. Recently, he has been diagnosed with LYTIC SPONDYLOLISTHESIS WITH LEFT RADICULOPATHY, it causes nerve compression of the left side of the body is irritation of a nerve on the left side of the spine and it increased the pain while walking and continues Driving, affecting his ability to work as a driver effectively. In this situation he was admitted in a private hospital on 24.07.2024. After examination, the doctors are recommended surgery. The surgery was conducted on 25.07.2024 and he was discharged from hospital on 29.07.2024. But still it is not cured, he is still under treatment as an outpatient.



W.P.(MD)No.11706 of 2025

3. Under these circumstances, the petitioner submitted a representation on 21.03.2025 to the respondents along with relevant medical reports requesting to referred him to the medical board and ascertain his fitness for duties and and considering him for light duty employment under the provisions contemplated in The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. But, the said representation has not considered. The petitioner represented on several occasions to the respondent Transport Corporation requesting him to refer to the Medical Board so as to unable them to allot any alternative employment to the petitioner. Against the inaction of the respondent considering the same the present writ petition is filed.

4. On perusal of the records, it appear that the petitioner had undergone surgery on the spine on 25.07.2024, definitely, he would not discharge his duties as driver to drive the bus continuously which will cause serious effects to his health. The action of the respondent in not considering the request of the petitioner to refer him to medical board for ascertain his fitness his unreasonable and unjustifiable.



W.P.(MD)No.11706 of 2025

5. In view of the above facts and circumstances, this writ petition is allowed with the following directions :

i) The respondent is directed to refer the petitioner to the Medical Board for determining the fitness and suitability within a period of two weeks from the date of receipt of a copy of this order.

ii) On receipt of the report from the Medical Board, if it is found that the petitioner is not fit to discharge duties as driver, the respondent shall provide alternative employment to the petitioner forthwith, thereafter.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

24.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.11706 of 2025

To:

The General Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
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Dindigul.



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W.P.(MD)No.11706 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.11706 of 2025

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