

W.P(MD)No.26008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
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DATED: 23.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.26008 of 2022 and  
WMP(MD) Nos.20151 & 20152 of 2022

Pandi.M

... Petitioner

Vs

- 1.The Management,  
Tamilnadu State Transport Corporation  
(Madurai) Limited,  
Rep. by its Managing Director,  
Bye Pass Road, Madurai.
- 2.The General Manager,  
Tamilnadu State Transport Corporation  
(Madurai) Limited,  
Madurai Region,  
Bye Pass Road, Madurai.
- 3.The Branch Manager,  
Tamilnadu State Transport Corporation  
(Madurai) Limited,  
Head Office,  
Bye Pass Road,  
Madurai.



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4.The Secretary Regional Medical Board,  
Rajiv Gandhi Government Hospital,  
No.1, Opp. Central Railway Station,  
E.Ve.Ra. Periyar Salai, Park Town,  
Chennai-600003.

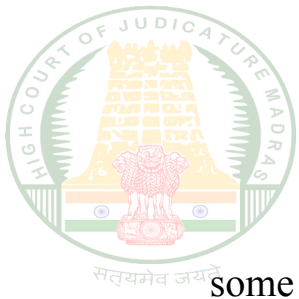
...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Ref.Admin/A4/12847/2020, dated 27.06.2022 and quash the same and consequently direct the respondents to provide alternative light duty to the petitioner on permanent basis in the Head Office of the first respondent Corporation with pay protection, other attendant benefits, continuity of service within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier  
For Respondents : Mr.K.Ramaiah  
Standing Counsel

### **ORDER**

The petitioner was appointed as a driver in the respondent Transport Corporation on 25.03.2008 and his services was also confirmed on 30.12.2008. He made a representation in the year 2020, seeking for an alternative employment that he was having

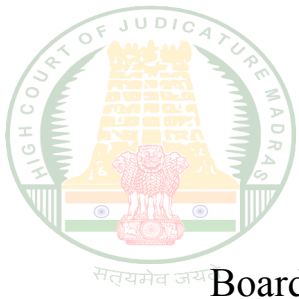


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some digestive problem, due to which, he was feeling dizziness and therefore, he was not in a position to drive the vehicles. The Management of the Transport Corporation referred the petitioner to the Medical Board, Rajiv Gandhi Government Hospital, Chennai, by its order dated, 10.02.2021, in order to ascertain the fitness of the petitioner. The petitioner has also appeared before the Medical Board on 24.09.2021. The Medical Board in its report dated 24.09.2021 stated that as per Medical Gastro Endocrinologist opinion, he is unfit to resume his duties as driver. Based on this medical report, this petitioner has made a request for alternative employment. The respondent Management has not accepted the medical report, dated 24.09.2021 and once again referred the petitioner to Medical Board, by its order dated 27.06.2022. The order, dated 27.06.2022, referring this petitioner to the Medical Board is challenged in this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner has already appeared before the Medical



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Board and submitted a report. Therefore, he cannot be referred by the respondent once again to the Medical Board, as per their own Rules.

3. The learned counsel for the respondent Corporation, by referring the Medical Certificate issued by the Medical Board submits that the nature of disease projected by this petitioner is only a digestive problem and on account of that he is feeling dizzy. He further submits that the Medical Board, without assigning any reasons, percentage of Disability for working as a driver, has simply issued a certificate that he is unfit to resume his duties as driver. Further, the Medical Certificate does not disclose any details as to the percentage of disability, the ailment suffered by the petitioner is curable or not or permanent or temporary, and in case of temporary, how long will it take to cure, if any reassessment is required etc., Therefore, in order to get a clarification as to the percentage of his disability, he was once again referred to the Medical board by the order impugned in this writ petition. It is also reported that the



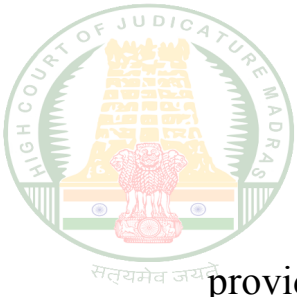
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petitioner was provided with an alternative employment as "Security personnel" from 11.03.2022 in T.Kallupatti Branch.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5. The petitioner was appointed as a Driver. He sought for an alternative employment on the ground that he is not in a position to drive the vehicle. The ailment projected by this petitioner is that he is having some discomfort in digestion and therefore he is getting dizziness and therefore, he is not in a position to attend the duty. The stand taken by the petitioner that due to digestion problem, he is not able to perform his duty as a driver is a strange one. The Medical Board, without ascertaining the nature of disease, the possibility of curing the same and the consequences of the disease, has simply issued a certificate that he is unfit to be a driver. Therefore, the petitioner was once again referred to the Medical Board. The petitioner claims that once the medical certificate is



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provided by the Medical Board that he is unfit to be a driver, then there is no need to refer him once again to the Medical Board. Pursuant to the report of the earlier medical board, the petitioner was also provided with an alternative employment as "Security Personnel" with the same scale of pay of driver, in accordance with Section 47 of the Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995. The petitioner, who was appointed as a driver, is now working as a Security Personnel and also receiving the salary, which is applicable to the driver. Therefore, the Management is having every right to get the clarification from the Medical Board, to take further course of action.

6.The Medical Board, while issuing Medical Certificate or Disability Certificate must have some responsibility in furnishing the required details such as, nature of disease and its consequences, degree of incapacity of the patient, if any review is required etc., Guidelines for evaluation of disabilities and procedure for



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certification have to be strictly followed by the Medical Practitioners. However, the Medical Certificates as well as the Disability Certificates are being issued in a vague manner and some of the certificates issued by the Doctors appears to be fake. This Court has also come across a case, wherein, fake Disability Certificates have been issued by 17 doctors in Tirunelveli District, with which, Government appointments have been obtained by normal persons under the the disability quota. If this is how the doctors are discharging their duty, then necessary action has to be taken as against the concerned doctors, who are issuing such fake certificates, without realizing their responsibility in the Society.

7.Considering the manner in which, the Medical Certificate has been issued in a vague manner, without assigning any valid reasons, this Court feels that the reference of this petitioner to the Medical Board once again is justified and does not warrant any interference.



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8. Accordingly, this writ petition is dismissed. The

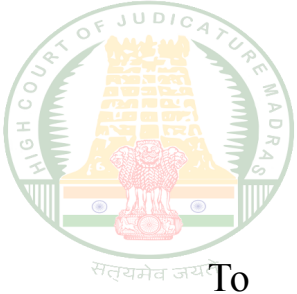
respondent Management is directed to refer the petitioner to the Medical Board at Rajaji Government Hospital, Madurai, instead of Rajiv Gandhi Medical Hospital, Chennai and shall proceed further in accordance with the Certificate to be issued by the Rajaji Government Hospital, Madurai. No costs. Consequently, connected Miscellaneous Petitions are closed.

**23.01.2025**

NCC: Yes/No

Index: Yes

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**B.PUGALENDHI, J.**

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