



WA(MD). No.38 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28/02/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.38 of 2025
and CMP(MD) No.278 of 2025

1. The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC)
Tirunelveli

2. The General Manager,
Tamil Nadu State Transport Corporation (TNSTC)
Ranithottam
Nagercoil, Kanyakumari District

3. The Divisional Manager,
Tamil Nadu State Transport Corporation (TNSTC)
Ranithottam
Nagercoil
Kanyakumari District

... Petitioners

V.

S.Sivakumar

... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against
the order of this Court dated 24.09.2024 in WP(MD). No.2552 of 2024.



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For Appellants : Mr.D.Jebaraj
For Respondent : Mr.R..Murugan

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU,J.)

The writ appeal is directed against the order of the writ Court dated 24.09.2024 in WP(MD) No.2552/2024.

2. The Management of the State Transport Corporation/respondents in the writ petition are the appellants herein.

3. The writ petitioner/first respondent herein, who is working as driver in the appellants Corporation, had filed the writ petition challenging the impugned order rejecting his request to allot him light duty. Pending writ petition, the writ petitioner was directed to go before the medical board and as per the report of the medical board, the appellants were directed to allot him light duty from 13.03.2024 till 13.03.2026, ie., for a period of two years till his reevaluation. However, though a direction was issued, it was represented before the writ Court



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that no light duty was assigned to the petitioner. Hence, the learned Single Judge directed the authorities to pay the salary for the said period. Challenging the said order, the appellants are before this Court.

4. It is the stand of the learned counsel for the appellants that though the report of the medical board was received, the writ petitioner's medical condition did not come under the persons with disabilities Act, 1995, as heart ailment/disease is a disease and it is not a disability. Hence, the management had not provided him alternative employment. However, as per the report of the medical board, till 31.12.2021, the first respondent was given light duty, ie., upto the reevaluation date. Subsequently, his request was rejected. Challenging the same, the writ petitioner filed writ petition. The first respondent was directed to appear before the medical board and the board has given a report stating that the employee is not fit to continue as driver/conductor at present and till two years, ie., upto reevaluation, he may be allotted light duty. The writ Court, recording that since the writ petitioner was not provided with light duty, directed the appellants herein to pay the salary for the above said period. However, it is the stand of the appellants that as per the order of



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the writ Court, the writ petitioner was allotted light duty from 13.11.2024 and as such, the management could not pay the salary from 13.03.2024, on the ground that the writ petitioner has not performed his duty. On the ground of no work no pay, the appellants are before this Court praying for interference of the order of the writ Court.

5. We have considered the rival submissions and perused the materials available on record.

6. From the submission of the learned counsel for the appellants, it is seen that as per the order of the writ Court, the writ petitioner was not allotted any light duty till 13.11.2024. It is not their case that even though light duty was given to the writ petitioner on 13.03.2024 as per the order of the writ Court, the writ petitioner had not attended duty. Therefore, it is clear that the writ petitioner was allotted duty, as per the submission of the learned counsel for the appellants, only from 13.11.2024. Therefore, the writ Court has rightly directed the management to pay the salary for the writ petitioner from 13.03.2024. Hence, no interference is warranted to the order of the writ Court.



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Accordingly, the writ appeal stands dismissed. No costs. Consequently
connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

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NCC : Yes/No
Index : Yes/No

RR



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AND
S.SRIMATHY, J.

RR

ORDER
IN
WA(MD) No.38 of 2025

Date : 28/02/2025