

WP(MD). No.9235 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9235 of 2026

M.Senthilkumar

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam..

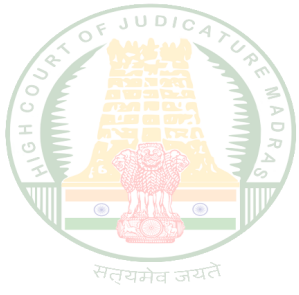
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Tiruchirappalli
Region, Periya Milaguparai, Trichy.

3. The Branch Manager,,
Tnsta (Kumbakonam) Ltd.,
Rock Fort Branch,
Tiruchirappalli.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the petitioners representation dated 11.03.2026 and consequently to provide the petitioner with continuous and permanent alternative employment suitable to his medical condition and to reinstate the petitioner into service and to pay all arrears of salary from 13.06.2025 till the date.

For Petitioner : Mr.G.M. Xavier
For Respondents : Mr.S.C.Herold Singh



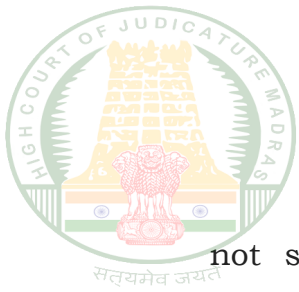
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ORDER

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This writ petition has been filed seeking writ of mandamus directing the respondents to consider the petitioner's representation dated 11.03.2026.

2. In the affidavit filed in support of this writ petition it is stated that in an earlier occasion, he approached this Court by filing WP(MD)No.20177 of 2018 and this Court by an order dated 20th September, 2018 directed the respondents to consider the representations submitted by the petitioner for providing suitable alternative employment. It is also stated that pursuant to the said direction, the petitioner has appeared before the Medical Board at Trichy on 23.07.2020 and thereafter, approval was obtained from the first respondent on 29.12.2020 to provide temporary alternative employment to the petitioner as Security for one year. It was thereafter again the petitioner was referred to Medical Board on 30th August 2022 and pursuant to the report of the Medical Board, the case of the petitioner was approved for alternative employment on 17.04.2023 and accordingly, alternative employment is provided till 27.05.2023. It was thereafter what had happened till 13.06.2025 is



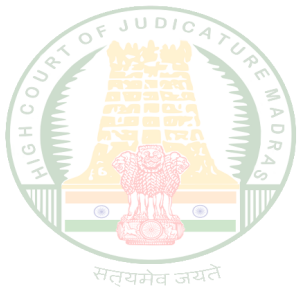
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not stated in the affidavit filed in support of this writ petition.

However, it is stated that it was on 13.06.2025, the petitioner was orally instructed not to attend duty and thereafter no work was assigned to the petitioner, and no written order was issued and he was kept out of service unlawfully and no salary is being paid from February 2026.

3. In the light of the above averments made in the affidavit, this Court called upon the respondents to file a counter affidavit. The respondents filed a counter affidavit and the same was served on the learned counsel for the petitioner on 17.04.2026. In paragraph Nos.3 and 4 of the counter affidavit, the respondents have stated as under:

"3. I state that on 12-10-2020 the petitioner was referred to Rajiv Gandhi Government General Hospital wherein by report dated 13-11-2020 the Medical Board issued a certificate saying patient is unfit for Conductor job and advised for light duty. Based on the said report, the petitioner was provided with light duty. Even in the said certificate the percentage of disability was not specified therefore on 09-11-2021 the medical board was requested by the transport corporation for a medical report. Based on the same, the medical board by its report dated 04-02-2022 reported that recurrent symptomatic varicose veins in left leg and advised to avoid prolong standing and strenuous



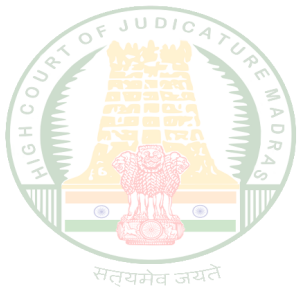
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activity. Neither the Act nor the notification issued in consonance with the Section 56 of the Act does not specify the Varicose vein as one among the disability. However on request of the petitioner, he was provided alternative employment on 17-04-2023. It is pertinent to note that the petitioner was provided alternative employment from 10-04-2019 as 'Security Guard' till 13-06-2025.

4. I state that by enclosing medical certificate dated 13-06-2025 the petitioner requested for leave so as to undergo treatment which was received by the office on 20-6-2025, the same was sanctioned by order dated 20-06-2025. Again the Branch Manager received a letter from the petitioner seeking leave from 21-06-2025 to 20-07-2025 enclosing Medical Certificate, another leave letter claiming leave from 21-07-2025 to 20-08-2025 was received by Branch Manager on 29-07-2025 along claiming leave from 21-08-2025 to 20-09-2025 by enclosing a medical certificate with medical certificate dated 20-07-2025. Another leave letter was received dated 21-08-2025, another leave letter was received on 04-11-2025 claiming leave from 21-10-2025 to 20-11-2025, another leave letter was received on 04-12-2025 claiming leave from 21-11-2025 to 20-12-2025, he also send a leave letter claiming 20-12-2025. Thereafter another leave letter was send claiming leave from leave from 21-12-2025 to 20-1-2026 enclosing medical certificates dated 21-01-2026 to 20-02-2026 enclosing medical certificate dated 21-01-2026, he further sent leave claiming leave from



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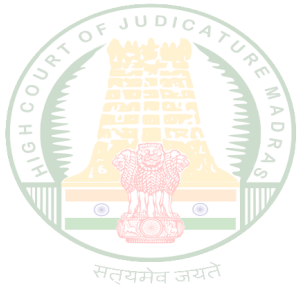


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21-02-2006 to 20-03-2026 by enclosing medical certificate dated 20-02-2026 and finally he sent a leave letter claiming leave from 21-03-2026 to 20-04-2026 by enclosing the medical certificate dated 20-03-2026".

4. As against the specific averments made in paragraph 4 of the counter affidavit stating that the petitioner has been applying for Medical Leave with effect from 13.06.2025 till 20.06.2025 duly submitting the Medical Certificate is not denied. On the other hand, the learned counsel for the petitioner admitted the contents of the above paragraphs.

5. In the light of the above, the averments made in paragraph 7 of the affidavit filed in support of the writ petition contending that the petitioner was orally instructed not to attend duty from 13.6.2025 is found to be false. In the circumstances, this Court is of the considered view that discretion conferred upon this Court under Article 226 of the Constitution of India cannot be invoked in the present facts and circumstances of the case.



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6. Accordingly, this writ petition is dismissed. Though this court is inclined to impose exemplary costs for having filed false affidavit and to initiate appropriate contempt proceedings, for the time being, this Court is restrained itself considering the fact that the petitioner is stated to be suffering from health issues for the past more than a year. No costs.

27.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

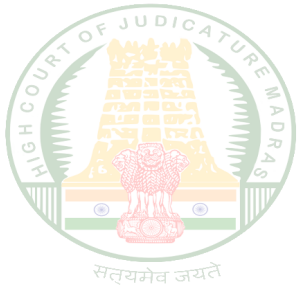
TO

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MUMMINENI SUDHEER KUMAR,J

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