

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 14.06.2023**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.13834 of 2023 AND**
W.M.P.(MD)No.11661 of 2023

B.Palpandiyan

... Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Bye Pass Road, Madurai.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Periyakulam Branch,
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refer the petitioner to Medical Board of any Government Hospital to ascertain his fitness to drive buses and to provide him suitable alternative



employment with pay protection, continuity of service and back wages payable from the date on which he was denied duty due to eye defect to till the date on which the petitioner is provided with alternative employment as per section 20(4) of The Rights of Persons with Disabilities Act, 2016.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Ramachandra Pradeep,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is working as Driver in the respondent Corporation. He is having certain ailments in his eye. The petitioner has enclosed in the typed set of papers the medial report given by Aravind Eye Hospital. The learned counsel appearing for the petitioner would contend that since the petitioner is having defect in his vision, he cannot function as driver and he must be given alternative employment. The complaint of the petitioner is that the petitioner is not being given any duty at all. For more than one year he has not been paid salary also. That led to the filing of this writ petition.



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3. I therefore direct the respondent management to refer the petitioner to the medical board within a period of four weeks from the date of receipt of a copy of this order. The duly constituted medical board will examine the petitioner and submit its report to the management within a period of six weeks thereafter. The medical board shall furnish the petitioner with a copy of the report. Based on the report of the medical board, the management will take a decision regarding giving suitable alternative employment to the writ petitioner. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 15.06.2023.



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To:

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Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.
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G.R.SWAMINATHAN,J.

PMU

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