

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19882 of 2015

P.Dhanapalan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board and provide alternative light duty under Section 47 of Persons with Disability Act.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.P.Paramasivadoss

ORDER

Mr.P.Paramasivadoss, learned Standing Counsel takes notice for the respondents.

2. The petitioner joined as a Conductor in the respondent Corporation. According to the petitioner, he was diagnosed with recurrent L4 L5 Disc prolapse of his vertebra. He was advised to undergo a surgery to set the same right and since it is related to spinal chord, the petitioner was advised for an immediate surgery. Accordingly, he took medical leave and underwent a surgery to treat L4 L5 Revision Extensive Laminectomy with Peri neural adhesion release with Neurolysis at London Ortho Speciality Hospital, Salem. The relevant medical records are enclosed in the typed set of papers filed in support of the writ petition. The petitioner was advised to take rest after surgery. According to the petitioner, he was advised to take light duty.

3. Hence, the petitioner made a representation dated 07.04.2015 to the respondents to give him light duty. Since no order is passed, the petitioner has come up with this writ petition, seeking for a direction to the respondents to refer him to Medical Board and to provide him alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection and of Rights and Full Participation) Act 1995.

4. Heard both sides.

5. In the facts and circumstances of the case, I am of the view that the respondents shall provide light duty till it is decided by the competent Medical Board as to whether the petitioner is fit to work as a Conductor.

6. The second respondent is hereby directed to refer the petitioner to the Medical Board, Salem and obtain report as to whether the petitioner is fit to do the work of Conductor. If the Medical Board gives a report that the petitioner cannot discharge the work of Conductor, the respondent Corporation is directed to provide alternative employment to the petitioner, protecting the pay of the Conductor as per section 47 of the Persons with Disabilities (Equal Opportunities Protection and of Rights and Full Participation) Act 1995. The respondents are directed to undertake the aforesaid exercise of getting a report from the Medical Board, within a period of 12 weeks and in the mean time, the petitioner shall be provided light duty.

The writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem.

+ 1 cc to Mr.M. Selvam, Advocate Sr.34178

W.P.No.19882 of 2015

KM(CO)

En 23.07.15

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