

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25999 of 2015
and M.P.No.1 of 2015

P.Asaithambi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
12, Ramakrishna Road,
Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
12, Ramakrishna Road,
Salem - 636 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and provide the petitioner with permanent alternative employment in the cadre equal to the post of Driver with pay protection, continuity of service and all other attendant benefits - as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection and of Rights and Full Participation) Act 1995 after ascertaining his physical disability to continue in the post of Driver by referring him to the Medical Board.

For Petitioner : Ms.S.Giriya
For Respondents : Mr.R.K.Gandhi

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would state that he joined as Driver in the services of the Tamil Nadu State Transport Corporation during the year 2007 and his services were regularised with effect from 18.02.2008. The petitioner would further state that while he was

driving the bus bearing Registration No.TN30-N-1267 in Salem - Chennai route, on 13.07.2013, an accident had occurred and on account of the same, both the legs of the petitioner got fractured and he was initially treated at Villupuram General Hospital and later on, considering his critical condition, he was shifted to Ganga Medical Centre and Hospital, Coimbatore for advanced treatment and he has also underwent surgery. The petitioner, after discharge from the hospital, has rejoined duty on 11.04.2014 and on account of the operations done, he is unable to stand or sit continuously for more than half an hour and he is totally incapacitated to perform his duty as Driver. Therefore, he made a request to provide him with alternative employment and pay protection to the Management in the form of representations dated 20.03.2014 and 11.10.2014, followed by a remainder dated 27.07.2015. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

3.Heard the submissions of the learned counsel for the petitioner and Mr.R.K.Gandhi, the learned counsel, who accepts notice on behalf of the respondents and would submit that the petitioner would be referred to the Medical Board shortly for the purpose of considering his request.

4.This Court, in the light of the above facts and circumstances and without going into the merits of the petitioner's representation, directs the respondents to refer the petitioner to the Medical Board to assess his disability within a period of two weeks from the date of receipt of a copy of this order and thereafter, pass orders on the representation dated 27.07.2015 submitted by the petitioner, on merits and in accordance with law, within a period of eight weeks thereafter, after taking note of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and in the interregnum, the services of the petitioner shall not be dispensed with.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

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To

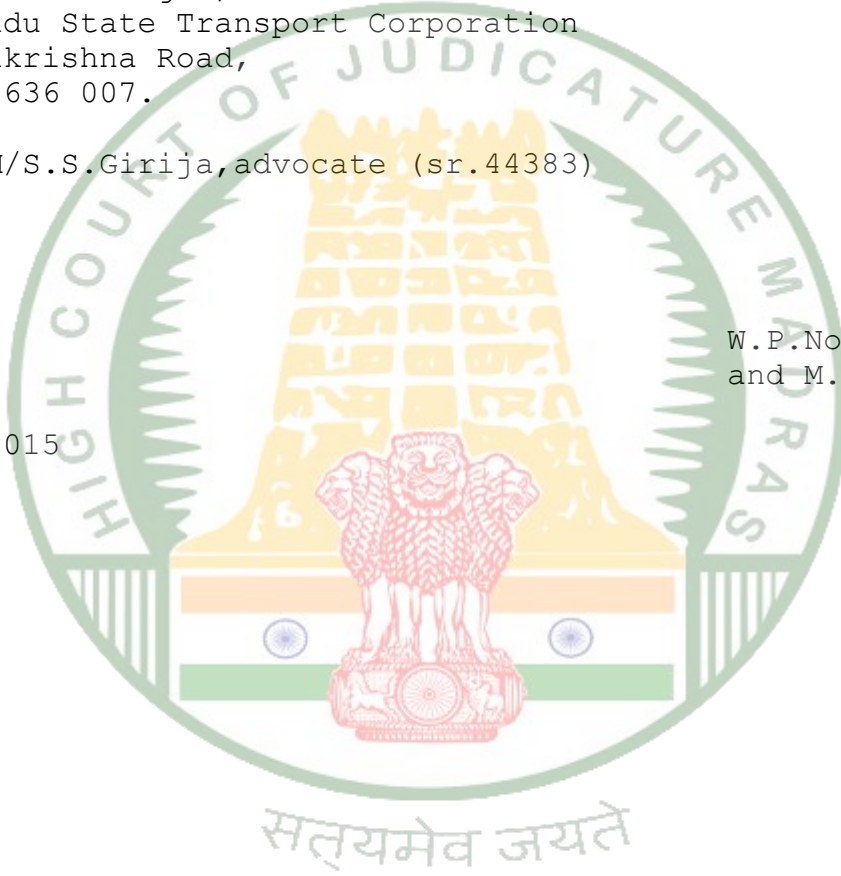
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+1 cc to M/S.S.Girija,advocate (sr.44383)

ppa (co)
cp 07/09/2015

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