

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27634 of 2015

P.Venkatesh

... Petitioner

-Vs-

1. Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore- 641 043.

2. General Manager,
Tamil Nadu State Transport Corporation
(CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to provide him an alternative duty as conductor with all service and other attendant benefits along with back wages from the date of accident viz., 13.08.2010 within a specific period to be fixed by Hon'ble High Court excluding the monetary benefit provided by the respondents for the short period from 01.02.2013 to 02.08.2013 and to order to consider the period of unemployment as duty for all the purposes and to reimburse the hospital stoppages amount fully after due verification by the corporation as per law.

For Petitioner : Mr.A.Rajendiran

For Respondents : Mr.P.Kannan Kumar

O R D E R

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

2. The petitioner was appointed as a Reserve Driver in the service of the respondent Corporation and during the course of his employment, the vehicle driven by him met with an accident on 13.08.2010 in the morning hours. According to the petitioner, the lorry, which came on the opposite direction was the root cause for the said accident and as a result of which, he sustained grievous and serious injuries and was admitted in Ganga Hospital, Coimbatore and he was treated as inpatient for nearly 77 days and spent an amount of Rs.4,47,469/- and the respondent Corporation did not spend any amount towards the medical expenses.

3. The petitioner would further state that so far, he has undergone 10 surgeries and from August 2013, he was neither given duty nor assigned with any work and to his shock and surprise, disciplinary proceedings has been initiated on 15.11.2010, which resulted in the punishment of postponement of confirmation of services for two years. The petitioner is also directed to appear before the District Medical Board, Madurai and he has also appeared and the Medical Board gave an opinion that he was unfit for the post of driver, on account of post-traumatic stiffness in both ankles. It is a claim of the petitioner that in the light of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of rights and Full participation) Act 1995, he is entitled to get alternative employment with continuity of service and pay protection and in this regard, he has also submitted a representation dated 06.02.2014 and 15.02.2014 and since no orders have been passed, he came forward to file this writ petitions.

4. Heard the submissions of Mr.A.Rajendiran, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, who accepts notice on behalf of respondents.

5. Though the petitioner prayed for a larger relief, this Court in the facts and circumstances, permits the petitioner to submit one more detailed representation by enclosing the copy of the order along with the copies of the earlier representations to the respondents, within a period of two weeks from the date of receipt of a copy of this order, who, on receipt of the same are directed to consider the said representation on merits and in accordance with law by taking note of Section 47 Persons with Disabilities (Equal Opportunities,

Protection of rights and Full participation) Act 1995 and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

vsm

To

1. Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore- 641 043.
2. General Manager,
Tamil Nadu State Transport Corporation
(CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043.

+1cc to Mr.A.Rajendiran, Advocate, S.R.No.47402

W.P.No.27634 of 2015

RV(CO)
CA(05/10/2015)

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