

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35411 of 2015

and

M.P.No.1 of 2015

A.Kathiresan

..Petitioner

Vs.

1. The Managing Director  
Tamil Nadu State Transport Corporation,  
Head Office, Mettupalayam Road,  
Coimbatore - 641 002.

2. The General Manager  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd.,  
Chennimalai Road,  
Erode - 638 001.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 on the strength of Medical Opinion dated 30.06.2015 given by the Medical Officer of the Respondent Corporation and also that of the Vasan Eye Care Hospital.

For Petitioner : Ms.S.Girija

For Respondents: Mr.P.Kannan Kumar

## ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner has sought for 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 on the strength of Medical Opinion dated 30.06.2015 given by the Medical Officer of the Respondent Corporation and also that of the Vasan Eye Care Hospital.

3. The petitioner states that he was appointed as a Driver at Tirupppur Branch - II in the respondent corporation and his service was regularized with effect from 24.11.2006. Due to severe headache and pain in his eyes, he underwent thorough check up and it was diagnosed that he was suffering from "CENTRAL SEROUS RETIONPATHY RE" and advised continuous treatment. As per the direction of the respondent corporation, he appeared before Vasan Eye Care Hospital for eye check up. After completing medical check up, a certificate was issued stating that he is unfit to resume the duty as Driver, which is also endorsed by the Medical Officer of the respondent corporation.

4. Further, the claim of the petitioner is that he sent representations to the respondent Corporation dated 01.07.2015, 24.07.2015, 27.08.2015 and 28.09.2015 seeking an alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection and of Rights and Full Participation) Act, 1995 and they were not considered by the respondent corporation. Hence, this writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 28.09.2015 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This writ petition is disposed of accordingly. No costs.  
Consequently, connected miscellaneous petitions are closed.  
sms

Sd/-  
Assistant Registrar (IV)

/True Copy/

To Sub-Assistant Registrar

1. The Managing Director  
Tamil Nadu State Transport Corporation,  
Head Office, Mettupalayam Road,  
Coimbatore - 641 002.
2. The General Manager  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd.,  
Chennimalai Road,  
Erode - 638 001.

+1 C.C. To M/S.S.Girija, Advocate in SR.NO.61097

+2 C.Cs. To MR.P.Kannan Kumar, Advocate in SR.NO.60824

W.P.No.35411 of 2015  
and  
M.P.No.1 of 2015

TM(CO)  
sd : 30/11/2015

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