



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.1089 of 2015 and MP(MD)Nos.1 & 2 of 2015

U.Ganesan

... Petitioner

Vs.

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

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

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd., Sholavandan Depot,
Madurai.

4.Government Rajaji Hospital,
represented by its Dean,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to refer the petitioner to the medical board of the 4th respondent Hospital or any other Hospital to ascertain the petitioner's physical fitness to work as Driver in the 3rd Respondent's branch of the 1st Respondent Corporation and to provide the petitioner suitable alternative employment with pay protection continuity of service and back wages payable to the petitioner from the date on which the petitioner was denied duty in the post of Driver due to the Petitioner's physical disability as per Section 47 (1) of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995.

For Petitioner : Mr.A.Rahul

For Respondents 1-3 : Mr.A.Jeyaram

For 4th Respondent : Mr.K.P.Krishnadoss,
Government Advocate.**ORDER**

Heard the learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss and Mr.A.Jeyaram learned counsel who took notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.



2.The petitioner seeks for the issuance of Writ of Mandamus directing the respondents to refer him to the Medical Board of the fourth respondent hospital to ascertain the petitioner's physical fitness to work as driver of the first respondent Corporation and to provide alternative employment as per Section 47 (1) of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995.

3.According to the petitioner, he is working as a driver in the first respondent corporation and he met with an accident on 16.07.2014 resulting severe injury on his head. He was admitted in Apollo Hospital and he underwent a surgery. Consequent upon such ailment, the petitioner is unable to operate his limb freely and is also having incoherent speech. It is further stated that in view of such disability, the petitioner could not function continuously as driver and consequently, he is entitled for alternative employment. The petitioner further contended that even though he was given a lighter duty based on his representation, he is not paid salary from 13.01.2015. Therefore, the present writ petition has been filed with the relief stated *supra*.

4.It is seen that the petitioner was working as driver in the first respondent Corporation and suffered some disability in consequence of an accident that had taken place on 16.07.2014. Such disability has to be assessed by the competent Medical Board at the fourth respondent hospital and thereafter, the respondents 1 to 3 have to consider the request of the petitioner seeking for alternative employment. It is stated that till this date the petitioner was not referred to medical board.

5.Accordingly, the writ petition is disposed of with a direction to the respondents 1 to 3 to refer the petitioner to the Medical Board at the fourth respondent hospital for assessing the petitioner's disability within a period of two weeks from the date of receipt of a copy of this order. On receipt of such report from the Medical Board, the respondents 1 to 3 will consider the request of the petitioner seeking for alternative employment and pass appropriate orders, within two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

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

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



3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd., Sholavandan Depot,
Madurai.

4.The Dean,
Government Rajaji Hospital,
Madurai.

+1cc to Mr.A.Rahul,Advocate, SR.No.4716
+1cc to Mr.A.Jeyaram Advocate, SR.No.4254
+1cc to Special Govt.Pleader SR.No.4973 & 4976

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sms
PA/25.02.15/3P/8C