



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.12741 of 2015

C.Palaniappa

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Trichy.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide suitable alternative light duty to the petitioner with pay protection, continuity of service and backwages from 08.07.2015 to till the date on which the petitioner provided with alternative light duty with Section 47 (1) of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

O R D E R

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to provide suitable alternative light duty to the petitioner with pay protection, continuity of service and backwages from 08.07.2015 to till the date providing alternative light duty under Section 47(1) of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.Mr.D.Sivaraman, learned standing counsel takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner would submit that the petitioner has joined the service in the respondents / Corporation as Driver in the year 2009. While so, he sustained colour blindness and unfit to work as Driver pursuant to the Doctor's advise. In this regard, he made a representation on 15.07.2015 requesting the respondents to provide him alternative employment. But so far the said representation has not been considered by the respondent concerned. Hence, the petitioner has come forward with this Writ petition.



4.The learned standing counsel appearing for the respondents Corporation would submit that the respondents have no objection in referring the case of the petitioner to the Medical Board and depending upon the out come, the case of the petitioner would be considered.

5.Taking into consideration of the submissions made by both sides and in the light of Section 17(1) of the Act, the respondent concerned is directed to refer the petitioner to Medical Board, within a period of one moths from the date of receipt of a copy of this order and on receipt of the report, the case of the petitioner shall be considered by the respondents Corporation and pass orders on merits and in accordance with law within a period of four weeks thereafter.

With the above direction, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.

+1CC to Mr.D.Sivaraman,Advocate, SR.No.40808

+1CC to Mr. A. Rahul, Advocate, SR.No.40839

W.P. (MD) No.12741 of 2015

23.07.2015

2P/5C
AM/IV/SAR-I/05/08/2015