



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2015

CORAM:
THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14759 of 2015

and

M.P (MD) No.1 of 2015

T.James Mathew

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Rep.by it's Managing Director,
Bye Pass Road,
Madurai-625 016.

... Respondents

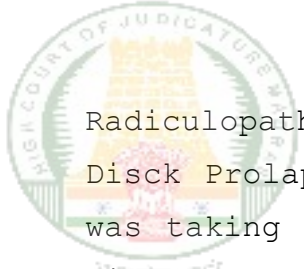
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board for find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages from 17.03.2014 and all other attendant benefits in accordance with Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.G.M.Xavier

O R D E R

This writ petition has been filed by Mr.Jamesh Mathew seeking a direction to the respondents to sent him before Medical Board to find out his disability and to provide him a suitable alternative permanent employment in the respondent Corporation.

2.Learned counsel for the petitioner taking support from a Medical Certificate dated 02.07.2015 issued by Prof.Dr.R.Sivakumar, M.S., Ortho., D.Ortho., Reg.No.49290 Professor or Orthopaedics, Dept. of Orthopaedics & Traumatology, Madurai Medical College, Madurai - 625020 (Chief Consultant Orthopaedics & Spine Surgeon), submitted that the petitioner has been issued with a certificate stating that he is under rehabilitation program, after being diagnosed as C5-C6 Cervical Disc Prolapse with



Radiculopathy. It is also his case that after suffering from Cervical Disk Prolapse with Radiculopathy (Paralyze attack) in his right side he was taking treatment from 13.04.2015 in the hospital, further, after his discharge from 24.04.2015 in the hospital, he became permanently disabled from performing his duty as driver. In view of that, he has requested the respondent to provide him light duty by producing the above said Medical Certificate, but his request was refused by the respondent.

3. As a matter of fact, the petitioner has admitted in his sworn affidavit that he has become permanently disabled and completely disabled for performing his duty as a driver, therefore, this Court is not able to give any positive direction as he has not partially disabled, hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub-Assistant Registrar

To
The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Region,
Rep.by it's Managing Director,
Bye Pass Road, Madurai-625 016.

SH/GSV-PM:15.10.15/2P-2C

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