



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 2.9.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15854 of 2015

and M.P. (MD) No. 1 of 2015

Tajudeen Bava

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport
Corporation,
Head Office,
Bye Pass Road,
Dindigul.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Head Office, Bypass Road,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to refer the petitioner to the competent Medical Board to ascertain his disabilities to perform duties as a Driver and thereafter to provide the suitable alternative employment with pay protection, continuity of service and other attendant benefits on the medical certificate issued by the medical board in the terms of Section 47 of the Persons with Disability (Equal Opportunities, Protection of Rights participation) Act, 1995 (Act 1 of 1996).

For Petitioner ... Mr.S.A.Ajmalkhan

For Respondents ... Mr.A.Jeyaram

ORDER

This Writ Petition has been filed by Tajudeen Bava seeking issuance of writ of mandamus directing the respondents to refer the petitioner to the competent Medical Board to ascertain his disabilities to perform duties as a Driver and thereafter to provide the suitable alternative employment with pay protection, continuity of service and other attendant benefits on the medical certificate issued by the medical board in the terms of Section 47 of the Persons with Disability (Equal Opportunities, Protection of Rights participation) Act, 1995.



2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

4. The learned counsel for the petitioner would submit that the petitioner served as a Driver in the respondent Corporation on daily wage basis. His service was regularized on 09.08.2010 as a permanent employee by the order of the respondent dated 23.11.2010. Thereafter, the petitioner was transferred from Thirupparankundram Branch, Madurai Region to Palani Branch, Dindigul Region, and the petitioner also suffered one more transfer to Cumbum Branch - I, Dindigul Region on mutual transfer on 28.12.2010.

5. While the petitioner was serving at Cumbum Branch, he suffered from the nerves problem and on 08.02.2015, he was admitted in Cumbum Government Hospital and the doctors referred him to take further treatment for neurological problem and he has been taking treatment from one private hospital called Neethiyarasu Nuro Hospoital, Madurai and on 09.02.2015, the Doctors certified that he is suffering from Neuro problem. In view of his illness and neuro problem, the petitioner is not able to attend his duty.

6. Therefore, the petitioner has given a representation to the respondent with the request to refer him to medical board so that they may be provided with alternative employment as per law. The said presentation has not been considered and therefore, the petitioner is before this Court with this Writ Petition.

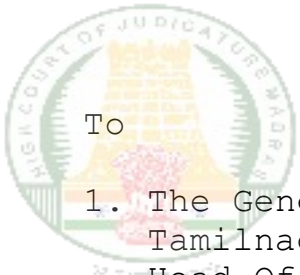
7. Since the petitioner was refused employment, it is for him to workout his remedy by approaching the Labour Court by raising industrial dispute.

8. Accordingly this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The General Manager,
Tamilnadu State Transport Corporation,
Head Office,
Bye Pass Road,
Dindigul.

2. The Managing Director,
Tamilnadu State Transport Corporation,
Head Office, Bypass Road,
Madurai.

+ 1 CC TO MR.A.JEYARAM, ADVOCATE IN SR NO. 51060

+ 1 CC TO MR.S.A.AJMAL KHAN, ADVOCATE IN SR NO. 51037

SES

TE/AAL-MPA/ 13/10/2015 3P/5C

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