



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD) No.19311 of 2014

S.Venkatesan

... 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.,
Dindigul Region, Dindigul.

3.The Branch Manager,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Bodinayakkanur Branch,
Bodinayakkanur heni District

4.Government Theni Medical College Hospital
Rep. by its Dean, Theni.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents 1 to 3 to refer the petitioner to the 4th respondent hospital for ascertaining his physical fitness to continue in the post of Driver in the 3rd respondent's branch and to provide him suitable alternative employment with pay protection, continuity of service and backwages payable to him with effect from the date on which he was denied duty in the post of Driver due to 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 : Mr.A.P.Muthupandian Standing Counsel
For 1 to 3

For R4 : Mr.V.Muruganandam
Additional Government Pleader

**O R D E R**

The writ petition is filed for a direction to the respondents 1 to 3 to refer the petitioner to the 4th respondent hospital for ascertaining his physical fitness and consequently to provide him suitable alternative employment as contemplated under Section 47(1) of persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. The grievance of the petitioner is that he sustained a fracture on his left leg on 22.04.2014 and consequently sustained 50% permanent disability. Thus, it is contended by him that he is entitled for alternative employment, as he could not continue the job of Driver at the respondent Corporation. It is stated that the petitioner has made repeated representations seeking for referring him to the Medical Board for ascertaining his disability and those representations have not been considered so far.

3. The learned counsel for the respondent Corporation fairly submitted that the 2nd respondent will refer the petitioner to the Medical Board at 4th respondent Hospital to ascertain the disability of the petitioner.

4. Considering the above stated facts and circumstances, this Writ Petition is disposed of by directing the 2nd respondent to refer the petitioner to the Medical Board at the 4th respondent Hospital to ascertain his disability within a period of two weeks from the date of receipt of a copy of this order. On receipt of the report from the Medical Board, it is for the respondent Corporation to consider the claim of the petitioner seeking for alternative employment and pass suitable orders thereafter, within a period of four weeks on receipt of report from the Medical Board. No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

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., Dindigul Region, Dindigul.
 - 3.The Branch Manager, Tamilnadu State Transport Corporation (Madurai) Ltd., Bodinayakkanur Branch, Bodinayakkanur Theni District
 - 4.The Dean, Government Theni Medical College Hospital Theni.
- +lcc to Mr. A.P.Muthu Pandian Advocate in SR.No. 6154
+lcc to Mr. A.Rahul, Advocate in SR.No. 5982
+lcc to Special Government Pleader in SR.No. 6239.