

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.07.2015****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 4092 of 2015
and M.P. (MD) No. 1 of 2015**

C. Alagar ... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road, Madurai.2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bypass Road,
Madurai.3. The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Sholavandan Branch,
Madurai Division,
Madurai.4. The Dean,
Government Rajaji Hospital,
Madurai.

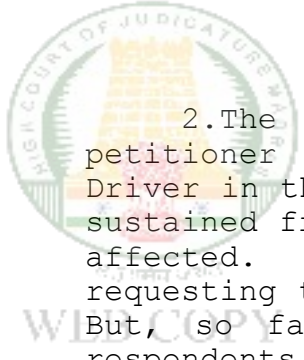
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to refer the petitioner to Medical Board of the 4th respondent hospital to ascertain the petitioner's disability and to provide suitable alternative employment in the 3rd respondent branch with pay protection and continuity of service as per Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 based on the representation of the petitioner dated 20.02.2015.

For Petitioner : Mr. L. George Paul Anto
For Respondents : Mr. A. Jeyaram for R1 to R3
Mr. K. P. Krishnadoss, G.A. for R4

ORDER

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to refer the petitioner to the Medical Board of the 4th respondent hospital to ascertain the petitioner's disability and to provide suitable alternative employment in the 3rd respondent branch with pay protection and continuity of service as per Section 47(a) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 based on the representation of the petitioner dated 20.02.2015.



2.The learned counsel for the petitioner would submit that the petitioner has joined the service in the respondents / Corporation as Driver in the year 2008. While so, on 17.06.2014, due to an accident, he sustained fracture in his left shoulder and that his spinal cord has been affected. In this regard, he made a representation on 20.02.2015, requesting the respondents 1 and 2 to provide him alternative employment. But, so far the said representation has not been considered by the respondents 1 and 2. Hence, the petitioner has come forward with this Writ petition.

3.The learned standing counsel appearing for the respondents 1 to 3 would submit that the respondents 1 to 3 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.

4.Taking into consideration of the submissions made by both sides and in the light of Section 47 of the Act, the respondents 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 1 to 3 and pass orders on merits and in accordance with law within a period of four weeks thereafter.

5.With the above direction, the Writ petition is disposed of. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

nbj

To

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

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

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

4.The Dean, Government Rajaji Hospital, Madurai.
+1CC to M/S L.George Paul Anto Advocate SR.No.41913
+1CC to Spl Government Pleader SR.No.41986

W.P. (MD) No. 4092 of 2015

Dated: 27.07.2015

GJM 7.8.2015

2P/7C