

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. No.5547 of 2013

C.Ilayaraja

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd.,

Thiruvannamalai Division,
Thiruvannamalai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue of Writ of Mandamus directing the respondents to provide alternative light duty with pay protection and to provide the duty to the petitioner as per Sec. 47 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a time frame.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.P.Parama Sivadoss,
Senior Counsel.

O R D E R

Owing to the accident suffered by the petitioner while on duty and his continuous sufferings from physical disabilities, the petitioner has made a representation on 29.07.2012 seeking for alternative light duty with pay protection for him. Since the representation was not considered, the petitioner has filed the present Writ Petition.

2. Heard Mr.R.Y.George Williams, learned counsel for the petitioner and Mr.P.Parama Sivadoss, learned Senior Counsel for the respondent.

3. According to the learned counsel for the petitioner, pursuant to the accident, the Doctors have advised the petitioner for second operation in the same leg in which he was injured in the earlier accident. Therefore, in view of his continuing sufferings, the learned counsel would strenuously submit that a direction may be issued to the respondent to post the petitioner in a light duty.

4.The learned counsel for the respondent, on the other hand, submits that the petitioner's representation would be considered if a specific direction is given to the effect that if the petitioner could be referred to a Medical Board in Rajiv Gandhi General Hospital in Chennai and based on the report of the Medical Board, suitable orders will be passed.

5. Under such circumstances, there shall be a direction to the respondent to consider the representation of the petitioner dated 29.07.2012 and consequently refer the petitioner's case to the Medical Board in the Rajiv Gandhi General Hospital, Chennai and on the basis of the report of the Medical Board, the respondent shall pass suitable orders to provide light duty, with pay protection to the petitioner, within four weeks from the date of receipt of the copy of the report from the Medical Board.

6. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd.,
Thiruvannamalai Division,
Thiruvannamalai District.
2. The Dean,
Rajiv Gandhi General Hospital,
Chennai.

+1 cc to Mr.R.Y.George William, advocate,sr.63689.

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krd 5/12

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