

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.26998 of 2016

A.Mohamad Meerasa

.. Petitioner

Vs.

1.The Divisional General Manager
Tamil Nadu State Transport Corporation
Coimbatore Division
Coimbatore.

2.The Branch Manager
Tamil Nadu State Transport Corporation
Tiruppur-II Branch
Tiruppur.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to provide alternative employment to the petitioner as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, with continuity of service, pay protection, arrears of employment and other attendant benefits, within the time stipulated by this Court and pass such orders as this Court may deem fit and proper in the nature and circumstances of the case.

For Petitioner :Mr.D.Sadiqraja

For Respondents :Mr.P.Paramasivadass

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O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to provide alternative employment to the petitioner as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, with continuity of service, pay protection, arrears of employment and other attendant benefits, within a time frame.

3. The petitioner was working as driver in the Transport Corporation. On 07.01.2014, while he was returning home, after completing his work, he met with an accident and sustained fracture in his right leg. As a result of which, his right leg has become totally unstable. The petitioner has made a representation to the respondents, on 11.04.2016, requesting to provide alternative employment to the petitioner, but there was no response and hence, the Writ Petition has been filed seeking the relief stated supra.

4. Mr.D.Sadiqraja, the learned counsel appearing for the petitioner, would submit that the petitioner would be satisfied, if a direction is issued to the respondents to consider and pass appropriate orders on his representation, dated 11.04.2016, seeking alternative employment, in the light of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. Mr.P.Paramasivadass, the learned Standing Counsel, who took notice for the respondents Transport Corporation, has got no objection in directing the respondents to consider and pass orders on the representation of the petitioner, on merits and in accordance with law.

6. Considering the above submission made by the learned counsel on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents, to consider the representation of the petitioner, dated 11.04.2016, seeking alternative employment, and pass appropriate orders, on merits and in the light of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Divisional General Manager
Tamil Nadu State Transport Corporation
Coimbatore Division
Coimbatore.

2.The Branch Manager
Tamil Nadu State Transport Corporation
Tiruppur-II Branch
Tiruppur.

+1 cc to Mr.D.Sadiq Raja, Advocate, r.44014.

gj (co)
krd 26/8

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