



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14760 of 2016

and

W.M.P (MD) No.10915 of 2016

A.Mohandhas

... Petitioner

vs.

1) The Secretary to Government,
Transport Corporation,
St. Fort George,
Chennai-9.

2) The General Manager,
State Express Transport Corporation,
Pallavan Road, Chennai.

3) The Regional Manager,
State Express Transport Corporation,
Trichy.

4) The Branch Manager,
State Express Transport Corporation,
Marthandam,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allocate the petitioner light duty or conductor in any of the Transport Corporation taking into consideration of disability on account of his left dislocated ankle with loss of toe muscle.

For Petitioner	: Mr.A.Rajkumar Sen
For R1	: Mr.T.R.Janarthanam, Additional Government Pleader
For R2 to R4	: Mr.K.Sathiyasingh

ORDER

The petitioner was appointed as a driver cum conductor on daily wages in the respondent transport corporation on 19.09.2007. After completion of probation, he was made as a permanent employee of the corporation with effect from 19.10.2009. While so, on 28.02.2016, the petitioner met with an accident and sustained mild head injury, dislocation of inter phalangeal joint leaf great toe, with loss of muscle mass on the left toe region. He took treatment at Muthu Neuro Hospital at Nagercoil as inpatient between 28.02.2016 and 30.02.2016 and continued regular treatment upto 20.05.2016. In view of the injuries, the petitioner is not able to work as driver and



the Doctor has certified that the petitioner has suffered 45% disability, hence, he made a representation dated 08.06.2016, requesting the respondents to provide him light duty, but the same has not been considered, therefore, the petitioner has come to this Court seeking a Writ of Mandamus, directing the respondents to provide him light duty, taking into consideration the disability sustained by him.

2.Mr.K.Sathiyasingh, learned counsel for the respondent transport corporation would submit that the petitioner may be referred to the medical board to find out as to whether the petitioner is fit to discharge the duties of driver cum conductor and on receipt of the report from the medical board, the respondents will consider his request for alternative employment.

3.In view of the said submission, the 2nd respondent is directed to refer the petitioner to medical board to find out as to whether the petitioner is fit to discharge the duties of driver cum conductor, within a period of two weeks from the date of receipt of a copy of this order and the petitioner is also directed to appear before the medical board as per the direction of the respondent transport corporation. If the medical board finds that the petitioner is unfit to discharge the duties of driver cum conductor, then the petitioner shall be provided with alternative employment within two weeks from the date of receipt of the report by the medical board, with continuity of service and pay protection etc., as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

With the above direction, the writ petition stands disposed of. No costs. W.M.P(MD)No.10915 of 2016 is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

The Secretary to Government,
Transport Corporation,
St. Fort George, Chennai-9.

- + 1 CC TO MR.A.RAJKUMAR SEN, ADVOCATE IN SR No. 43816
- + 1 CC TO MR.K.SATHIYA SINGH, ADVOCATE IN SR No. 43928
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44133

NBI

TE/CK : 23/08/2016 : 2P/5C

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