



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No. 16429 of 2016

and W.M.P.(MD) No.11993 of 2016

A.Ramakrishnan

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Road Transport
Corporation (Madurai) Limited,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Road Transport
Corporation (Madurai) Limited,
Dindigul Region, Bye Pass Road, Dindigul.

3.The Branch Manager,
Tamil Nadu State Road Transport
Corporation (Madurai) Limited,
Batlagundu Branch,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide the petitioner suitable alternative employment instead of Driver under the Respondent Corporation without affecting scale of pay and other benefits in pursuance of the recommendation of the Regional Medical Board's Proceedings No.13674/G-5/14, dated 15.07.2014 in conformity with Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act.

For Petitioner : Mr.J.Lawarance

For Respondents : Mr.M.P.Muthupandian

O R D E R

The petitioner namely, A.Ramakrishnan, who joined as Driver in the respondent Corporation on 24.12.1998, has got benefit of regularization of his services. In due course, he was given promotion to the posts of Selection Grade Driver and also Senior Grade Driver.

2. In the meanwhile, the petitioner suddenly suffered chronic renal failure and therefore, he was taking treatment in



private hospital in Madurai. Due to Chronic Renal failure, he has also undergone kidney transplantation on 27.08.1999. Subsequently, when he was discharged from hospital, he made a representation to the respondents to provide alternative employment instead of driver.

3. It appears that the respondent, having considered the detailed representation made by the petitioner, has directed the petitioner to appear before the Chairman, Medical Board, Madurai Government Rajaji Hospital. When he appeared before the Medical Board on 15.07.2014, the Medical Board also has certified that he is not fit to the post of Driver. Subsequently, he has been provided alternative employment as Diesel Pump Operator. Since strenuous physical labour is required to function in the post of Diesel Pump Operator, he has made another representation to the respondents to give him light work. The said representation has not been considered by the respondents. Hence, the petitioner has come to this Court.

4. The learned counsel for the petitioner would submit that when the Medical Board has certified that he is not able to drive any heavy vehicle, direction may be given to provide him a light work.

5. The learned counsel appearing for the respondents would submit that he has no objection for considering the case of the petitioner.

6. This Court, perusing the relevant records and keeping in mind he had undergone kidney transplantation, is of the view that the respondent shall consider the case of the petitioner by giving him light work. Accordingly, the respondents are directed to consider the case of the petitioner sympathetically and provide him light work.

7. The said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected C.M.P.(MD) No.11993 of 2016 is closed.

Sd/-
Assistant Registrar

/True Copy/



To,

1.The Managing Director,
Tamil Nadu State Road Transport Corporation (Madurai) Limited,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Road Transport Corporation (Madurai) Limited,
Dindigul Region, Bye Pass Road, Dindigul.

3.The Branch Manager,
Tamil Nadu State Road Transport Corporation (Madurai) Limited,
Batlagundu Branch,
Dindigul District.

+1 cc to Mr.J.Lawarance, Advocate in SR No.49772

W.P (MD) No. 16429 of 2016
and W.M.P. (MD) No.11993 of 2016

CM

ANR/SS3/SAR1/04.11.2016/3P/5C