



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM:

**THE HON'BLE DR.JUSTICE S.VIMALA**

**W.P(MD) No.17853 of 2016 and  
W.M.P. (MD) No.12878 of 2016**

S.Babu John

... Petitioner

-vs-

The Management of  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Madurai Region,  
Represented by its Managing Director,  
Bye Pass Road, Madurai-625 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 30.08.2016 and send him to Medical Board as expeditiously as possible.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.A.P.Muthupandian  
Standing Counsel

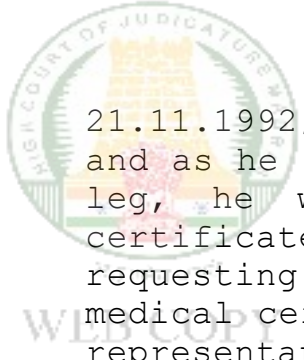
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### **O R D E R**

This petition has been filed, seeking to direct the respondent to refer the petitioner to Medical Board to find out the genuineness of the claim of disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, backwages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955.

2.Mr.A.P.Muthupandian, learned counsel, takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.



21.11.1992; that he has rendered 24 years of unblemished service and as he suffered from paralytic attack in his left hand and left leg, he was unable to join duty he also submitted medical certificates to the respondent; that he approached the respondent requesting to provide him any light duty on the basis of the medical certificates issued by the Doctor, apart from forwarding a representation dated 30.08.2016 to the respondent requesting to send him to the Medical Board to find out the medical fitness and that till date, the respondent has neither given any alternative employment nor considered the representation of the petitioner.

5. It is the claim of the learned counsel for the petitioner that as per the provisions of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the respondent is statutorily bound to provide alternative employment to the petitioner, with pay protection and continuity of service. But the provisions are not implemented at all. Under such circumstances, this Writ of Mandamus has been filed seeking a direction to the respondent to refer the petitioner to Medical Board to find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, backwages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955.

5.1. The learned counsel for the petitioner would submit that undoubtedly, the petitioner is entitled to the benefit under Section 47(1) of the Act, in view of the medical certificates issued by the Doctors and therefore, the respondent ought to have referred the petitioner to Medical Board for further medical examination and also should have provided alternative employment to the petitioner.

6. The learned counsel appearing for the respondent would submit that the petitioner did not report duty on and from 06.07.2016.

7. The said contention cannot be accepted as there is no order passed by the respondent either for sending him to the Medical Board or for providing any alternative employment to the petitioner prescribing the date and time for reporting to alternative duty. Under such circumstances, the respondent shall consider the representation of the petitioner dated 30.08.2016 within a period of one week from the date of receipt of a copy of this order for sending the petitioner to the Medical Board and based on the report to be received from the Medical Board, the respondent shall take a decision with regard to providing alternative employment to the petitioner in the light of the provisions of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,

1995 within a period of two weeks from the date of receipt of report from the Medical Board.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C)

/True copy/

Sub Assistant Registrar

To:

The Managing Director

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Madurai Region,

Bye Pass Road, Madurai-625 016.

+1 CC to M/s.G.M.XAVIER, Advocate, SR No.57122

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PSM/CM-MSA/28.02.2017/3P/3C

W.P(MD) No.17853 of 2016

27.09.2016