



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.19622 of 2016

V.Ravi Chandran

... Petitioner

vs.

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

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to refer the petitioner to Medical Board for find out his disability and to provide him a suitable alternative permanent employment with pay protection continuity of service back wages and all other attendant benefits in accordance with Sec 47(1) of the Persons with Disabilities (Equal opportunities Protection of Rights and Full Participation) Act 1995 and thus render justice.

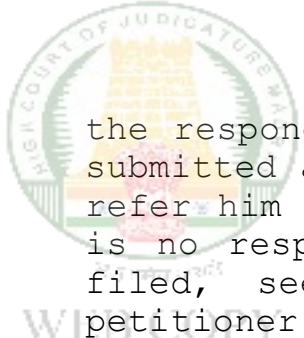
For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.A.P.Muthupandian

ORDER

This Writ of Mandamus has been filed seeking for a direction to the respondent to refer the petitioner to Medical Board to find out his disability and to provide him a suitable alternative employment with pay protection, continuity of service, back wages 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, 1995.

2. The petitioner is working in the respondent transport corporation for the past 20 years and now he is working as a Selection Grade Conductor at Bodi branch; he is suffering from chronic deep vein thrombosis on his right leg from 19.09.2014; from 17.05.2016 he was unable to move his right leg and thereby he was admitted in a private hospital, Madurai. Thereafter, he is taking treatment continuously as an outpatient. Narrating the said facts and producing medical certificates, the petitioner requested



the respondent to provide him light duty. The petitioner has also submitted a representation dated 01.07.2016 to the respondents, to refer him to Medical Board to find out medical fitness. As there is no response from the respondent, this writ petition has been filed, seeking a direction to the respondent to refer the petitioner to Medical Board.

3.The petitioner, in support of his claim, has enclosed the medical report dated 29.06.2016, issued by the Medical Officer, ART, Centre, Government Heard Quarters Hospital, Dindigul, which also shows that the petitioner suffered from chronic deep vein thrombosis on his right leg and now he is suffering from Cellulite (R) leg with ulcer (R) and he is not able to stand for long duration.

4.The learned standing counsel appearing for the respondent would submit that as a matter of procedure, the respondent would refer the employee making request for alternative duty, to the Medical Board and on the opinion to be offered by the Medical Board, the claim of such person would be considered by the corporation and the same procedure can be followed in the case of the petitioner.

5.Under such circumstances, this Writ Petition is disposed of directing the respondent to send the petitioner to Medical Board within a period of one week from the date of receipt of a copy of this order and after getting opinion from the Medical Board, the petitioner's claim for alternative duty shall be considered in terms of the medical opinion. Even if it is found that the alternative duty may not be required for a long time and it is enough to consider his case for a limited time that possibility should also be worked out. No costs. Consequently, W.M.P(MD) No.14145 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

W.P(MD)No.19622 of 2016

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