



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2016

CORAM :

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition (MD) No.22248 of 2016

K.R.Rajendran

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Rep. by its General Manager,
Madurai.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to find out the disability of the petitioner and to provide suitable alternative permanent employment to the petitioner with pay protection, continuity of service 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.

For Petitioner : Mr. S.Arunachalam

For Respondent : Mr. A.P.Muthupandian

O R D E R

This writ of mandamus has been filed by the petitioner seeking directions against the respondent to provide alternative permanent employment, pay protection, continuity of service and all other attendant benefits, in terms of Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



2. Mr.A.P.Muthupandian, learned Standing Counsel, accepts notice for the respondent. With the consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

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3. The Discharge Summary, dated 26.11.2015, issued by the Department of Gastro Enterology, Meenakshi Mission Hospital and Research Centre, would go to show that the petitioner has been diagnosed with Carcinoma Rectum. The observation in the medical history sheet reads as follows:-

"Mr.Rajendran, is a f/u/c of carcinoma rectum T2N1 M0 post RT/CT. Now presented with C/o bleeding from rectum, associated with loss of weight. After admission he was investigated and evaluated. On 06.11.15 CT pelvis done, which shows Annular growth for a length of about 4cm seen in the upper rectum, significant narrowing of lumen at that level. Mesorectal fat is normal Lower rectum and anal canal are normal. No significant enlarged lymphnodes seen in mesorectum and pelvic region. Mucosal edema of distal ileum noted. Focal cortical scarring seen in upper and lower pole of left kidney. Tiny calculi measures 3mm seen in mid calyx of left kidney. Right kidney is normal. No evidence of liver metastasis. Anesthetist opinion obtained and patient posted for surgery. ON 17.11.15 LAPAROSCOPIC ASSISTED ANTERIOR RESECTION WITH LOOP ILEOSTOMY DONE. Intra op findings were proliferative growth about 10cm from anal verge. Specimen sent for HPE reported as Rectum - Moderately differentiated adenocarcinoma, grade II, pT2,N0,MX,Surgical Resected Margins are free of tumor. Post operative period was uneventful. Medical oncologist opinion was obtained for adenocarcinoma and then plan for Adjuvant chemotherapy after suture removal and hence discharged."

4. It is also pointed out that the petitioner is taking chemotherapy treatment, as advised. The petitioner is employed as a Driver and the fear of the petitioner is that, as he is under chemotherapy treatment, if he is again diverted to the post of Driver, the life of the public may be at danger and therefore, he must be referred to the Medical Board immediately and after ascertaining his conditions, he must be provided with permanent alternative employment.

5. Considering the facts and circumstances of the case, the respondents are hereby directed to refer the petitioner for Medical Board within a period of one week from the date of receipt of a copy of this order and after ascertaining his medical position to confer the benefits available under Section 47 (1) of the said Act, subject to the medical opinion to be received.



6. With the above directions, this writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
Management of Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Madurai.

+ 1 CC TO Mr.S.ARUNACHALAM, ADVOCATE IN SR No. 71164

SRK

TE/CM-MSA : 09/02/2017 : 3P/3C

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21.11.2016