



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22603 of 2016

and

W.M.P (MD) No.16177 of 2016

M.Kaliayaperumal

... Petitioner

vs.

1) Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2) The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.

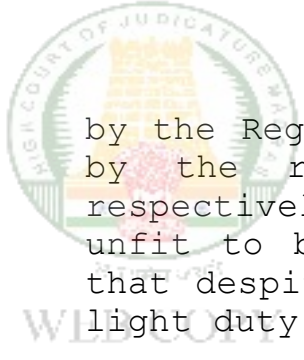
... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to provide the petitioner suitable alternative light duty on permanent basis with pay protection, continuity of service, backwages for the non-employment period and further directing the respondents to pass orders in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman

ORDER

This Writ of Mandamus has been filed, seeking for a direction to the respondents, to provide the petitioner suitable alternative light duty, on permanent basis with pay protection, continuity of service, backwages for the non-employment period, in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



by the Regional Medical Board at Thanjavur on three occasions and by the reports dated 12.12.2008, 04.07.2011 and 10.06.2016 respectively, an opinion has been given that the petitioner is unfit to be the driver. It is the grievance of the petitioner that despite the abovesaid reports, he has not been provided with light duty. Hence, this writ petition.

3. When all these reports given by the Regional Medical Board at Thanjavur, are to the effect that the petitioner is unfit to be a driver, then the respondents ought to have provided the petitioner with alternative duty in the light of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Hence, the respondents are directed to provide the petitioner light duty in the light of Section 47(1) of the Act and also in the light of the reports given by the Regional Medical Board at Thanjavur, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)No.16177 of 2016 is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1) The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.

2) The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 73492
+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 73329

NBI

TE/PM-PN : 17/02/2017 : 2P/5C

W.P(MD)No.22603 of 2016
and

W.M.P(MD)No.16177 of 2016
25.11.2016