



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.23458 of 2016

A.Ismail

... Petitioner

vs.

1) The Managing Director,
Tamil Nadu State Transport Corporation (Madurai)
Bye-pass Road, Madurai-10.

2) The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, By-pass Road,
Collectorate Post,
Dindigul District.

... Respondents

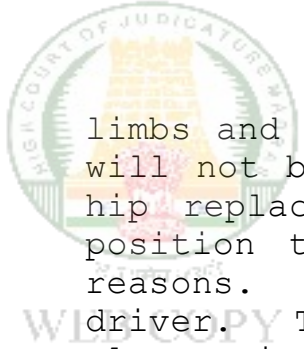
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to provide alternative duty to the petitioner in the same scale of pay in the light of the Section 47 in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995.

For Petitioner : Mr.J.Ashok
For Respondents : Mr.A.Jayaram

ORDER

This Writ of Mandamus has been filed, seeking for a direction to the respondents to provide alternative duty to the petitioner in the same scale of pay in the light of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995.

2.The petitioner was appointed as a driver under the respondent corporation on 02.05.1997. During his course of duty, he suffered Diabetic Symmetrical Polyneuropathy, Tinea Gluteale / Eczema both legs Type 2 Diabetes Mellitus. On his appearance before the Regional Medical Board, it was found that he was suffering from secondary osteoarthritis right hip with uncontrolled diabetes and poly-neuropathy involving both lower



limbs and eczema in both buttocks and both legs and therefore, he will not be able to discharge the duties of a driver. The total hip replacement surgery was recommended, but, he was not in a position to undergo the treatment, because of his other health reasons. Now, he has become unfit to discharge the duties of a driver. Therefore, he requested the respondents to provide him alternative duty and the respondents provided him alternative duty on 25.04.2016, but the said duty was not continuously extended to the petitioner. Hence, the petitioner made a representation dated 30.09.2016, to the respondents, seeking alternative duty as per Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995 and the said representation has not been considered till date and therefore, the petitioner has filed this writ petition.

3.Learned standing counsel for the respondent corporation would submit that it is agreeable for the 2nd respondent to consider the representation of the petitioner dated 30.09.2016 and to pass orders.

4.Recording the submission made by the learned counsel for the respondents, the 2nd respondent is directed to consider the representation of the petitioner dated 30.09.2016 in the light of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995 and to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Admin)

/True copy/

Sub Assistant Registrar

To

1)The Managing Director,
Tamil Nadu State Transport Corporation (Madurai)
Bye-pass Road, Madurai-10.

2)The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, By-pass Road,
Collectorate Post, Dindigul District.

+1 cc to M/s.J.Ashok, Advocate in SR.No. 79087

nbi

CSL/GSV-PM/02.01.2017 : 2P/4C