



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23946 of 2016

S.Sudalaiyandi

... Petitioner

vs.

1) The Branch Manager,
State Express Transport Corporation (Tamilnadu) Ltd.,
Tuticorin.

2) The Managing Director,
State Express Transport
Corporation (Tamilnadu) Ltd.,
Pallavan Salai,
Chennai-600 002.

3) The Government of Tamil Nadu,
Rep by Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to provide a suitable alternative employment to the petitioner with pay protection, continuity of service and salary arrears payable to him with effect from the date on which he was absent for duty in the post of Driver due to his disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995.

For Petitioner : Mr.V.Kannan
For R1 & R2 : Mr.K.Sathiyasingh
For R3 : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to provide a suitable alternative employment to him with pay protection, continuity of service and salary arrears payable to him with effect from the date on which he was absented for duty in the post of Driver due to his disability, as per Section 47(1) of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995.



2.The petitioner was appointed as a driver on 06.08.1991 in the respondent corporation and he is presently working as a Special Grade Driver. The petitioner has further submitted that he is suffering from Cancer and he is disabled to do the work of driver and the Doctors have advised him to do the light work. It is the contention of the petitioner that in terms of Section 47(1) of Persons with Disabilities(Equal Opportunities Protection of Rights and Full Participation) Act 1995, he should be given alternative employment.

3.Learned standing counsel appearing for the respondent corporation would submit that the matter may be referred to the Medical Board of the transport corporation and the Medical Board will examine the petitioner and based on the report that will be submitted by the Medical Board, the respondent corporation would pass suitable order.

4.Since the petitioner is suffering from Cancer, this Court directs the respondent corporation to constitute a Medical Board, in order to enable the petitioner to appear before the Board and the petitioner is directed to appear before the Medical Board on 23.12.2016 and the Medical Board shall examine the petitioner and submit its report within a week from the date of examination of the petitioner and based on the report, final decision should be taken by the respondent corporation within a period of ten days, preferably on or before 12.01.2017.

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

Sd/
Assistant Registrar(A.S.,)

/TRUE COPY/

Sub Assistant Registrar

To

- 1)The Branch Manager,
State Express Transport Corporation (Tamilnadu) Ltd., Tuticorin.
 - 2)The Managing Director, State Express Transport
Corporation (Tamilnadu) Ltd.,Pallavan Salai,Chennai-600 002.
 - 3)The Secretary to Government, Government of Tamil Nadu,
Transport Department,Fort St.George,Chennai-600 002.
- +1cc to M/s.V.Kannan, Advocate, in SR No.80923.
+1cc to M/s.K.Sathiya Singh, Advocate, in SR No.81051.
+1cc to Special Government Pleader in SR.No.80901.