



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.3715 of 2016

WEB COPY

V.Nagarajan

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Rep by its Managing Director,
Bye Pass Road,
Madurai 10.

2.The General Manager
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region,
Madurai 10.

3.The Government Rajaji Hospital,
Rep by its Dean,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to refer him the medical board of the 3rd respondent hospital or any other competent government hospital to ascertain his disability and as to whether he is fit for driving and consequently directing the respondents to provide him alternative employment on permanent basis with pay protection continuity of service and back wages from 13.07.2015 to till the date on which he is provided with alternative duty in terms of Section 47(1) Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.A.Jayaram

ORDER

According to the petitioner, he is working as driver in the respondent Corporation. On 13.07.2015, he suffered a heart attack and recommended for further treatment in a speciality hospital and he was on medical leave from 13.07.2015 to 26.07.2015.

2.It is submitted that the petitioner is suffering from coronary artery disease and he is advised not to drive any vehicles. It is an admitted case that he has not been attending work after his medical leave.

3.Now the limited prayer sought by the petitioner in the writ petition is for a mandamus, directing the respondents to refer him to the medical board of the third respondent hospital or any other



competent Government hospital to ascertain his physical condition and as to whether he is fit for driving.

4.Learned counsel for the respondent Corporation had no objection for such relief is being granted.

5.In such view of the matter, the writ petition is disposed of, directing the second respondent to refer the petitioner to the Medical Board of the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of a report from the third respondent, the respondents 1 and 2 shall pass suitable orders within four weeks thereafter. No costs.

Sd/

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

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

2.The General Manager
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region,
Madurai 10.

3.The Dean
Government Rajaji Hospital,
Madurai.

+1cc to M/S.A.Rahul, Advocate in SR.No.18795

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sms

PA/SK-SKN/13.04.2016/2P/5C