



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.5554 of 2016

and

WMP (MD) No.4978 of 2016

M.Ravichandran

... Petitioner

Vs.

1.Tamilnadu State Transport
Corporation(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport
Corporation(Kumbakonam) Ltd.,
Trichy Region, Trichy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to provide suitable alternate light duty at Jeyamkondan Branch of the first respondent Corporation with pay protection, continuity of service, back wages and all other attendant service benefits payable from 20.08.2014 to till the date on which he was provided with alternate light duty by treating the period of his absence on account of the petitioner's illness as duty with pay.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

Mr.D.Sivaraman, learned counsel takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the respondents to provide suitable alternate light duty at Jeyamkondan Branch of the first respondent Corporation with pay protection, continuity of service, back wages and all other attendant service benefits payable from 20.08.2014 to till the date on which he was provided with alternate light duty by treating the period of his absence on account of the petitioner's illness as duty with pay.

4. The petitioner, who was a driver with the respondent Corporation was certified by the Medical Board as not fit to do his duty as Driver. The Medical Board has also recommended that he may be provided suitable alternate light duty. After that, a letter was referred to the Gandhi Memorial Government Hospital, Trichirappalli for getting second opinion from a Psychiatrist. A copy of the letter was marked to the petitioner, so as to present him before the Medical Board along with medical records. The petitioner did not appear before the Medical Board. But, he submitted



that unless he receives a call letter from the Medical Board, he cannot appear before the Medical Board.

5. The respondent Corporation without the Medical Fitness Certificate for alternate employment, is unable to allot any alternate light Post to the petitioner in terms of Section 47(1) of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

6. In the above factual matrix, the petitioner is directed to appear before the Medical Board as referred in the letter dated 05.10.2015, within a period of two weeks from the date of receipt of a copy of this order. The respondent Corporation also should facilitate the Medical examination of the petitioner. After receiving the medical report, subject to the same, the respondent Corporation may give appropriate alternate employment to the petitioner in terms of Section 47(1) of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a period of six weeks from the date of receipt of the medical report.

7. In that event the petitioner is found not fit to do his duty as Driver, the respondent Corporation may consider pay protection, continuity of service, back wages and all other attendant benefits payable to the petitioner from 20.08.2014.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

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

2. The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

+1cc to M/s.D.Sivaraman, Advocate in SR.20426

W.P (MD) No.5554 of 2016
12.04.2016

pm

PBK/NGM-SS/SAR-I 15/04/2016 ::2P-4C:: (IT)