

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.23934 of 2013
& MP.Nos.1 & 2 of 2013

Venkatesan

.... Petitioner

Versus

1.Tamilnadu State Transport
Corporation(Salem) Ltd.,
Rep. by its Managing Director,
12, Ramakrishna Salai,
Salem-7.

2.The General Manager,
Tamilnadu State Transport
Corporation(Salem) Ltd.,
Dharmapuri Region,
Bharathipuram,
Dharmapuri-2.

3.The Joint Director of
Rural and Health Services,
Dharmapuri District Medical Board,
Dharmapuri.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents 1 & 2 to provide the petitioner suitable alternative employment/job in commensurate with the petitioner's health condition with continuity of service, backwages and all other service and attendant benefits w.e.f. 01.02.2012.

For Petitioner : Mr.R.Krishnaswamy

For RR1 to 3 : Mr.P.Paramasivadoss

ORDER

Writ Petition has been filed for issuance of a writ of Mandamus to direct the respondents 1 & 2 to provide the petitioner suitable alternative employment/job commensurate

with the petitioner's health condition with continuity of service, backwages and all other service and attendant benefits w.e.f. 01.02.2012.

2.Today, when the matter is taken up for hearing, it is represented by the learned counsel for the respondents that the petitioner may be directed to appear before the Medical Board to be constituted in Coimbatore District, for the purpose of examining the physical condition of the petitioner in order to redress his grievance for offering him alternative employment in the State Transport Corporation.

3.The learned counsel for the petitioner would also accept that the petitioner may be directed to appear before the Medical Board and the Corporation thereafter, examining the physical condition of the petitioner, can offer him alternative employment.

4.In view of the above, the writ petition is disposed of with a direction to the petitioner to appear before the Medical Board at Coimbatore, which shall be constituted by the respondent Corporation within a period of three weeks from the date of receipt of a copy of this order and shall inform the petitioner for his appearance before the Medical Board. After examining the physical condition of the petitioner, in case the petitioner was not fit for employing him as a Driver, the respondent Corporation shall offer him any alternative employment suitable to his physical condition under the provisions of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995. The said exercise shall be initiated and completed within a period of three weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

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Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1.Tamilnadu State Transport
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Rep. by its Managing Director,
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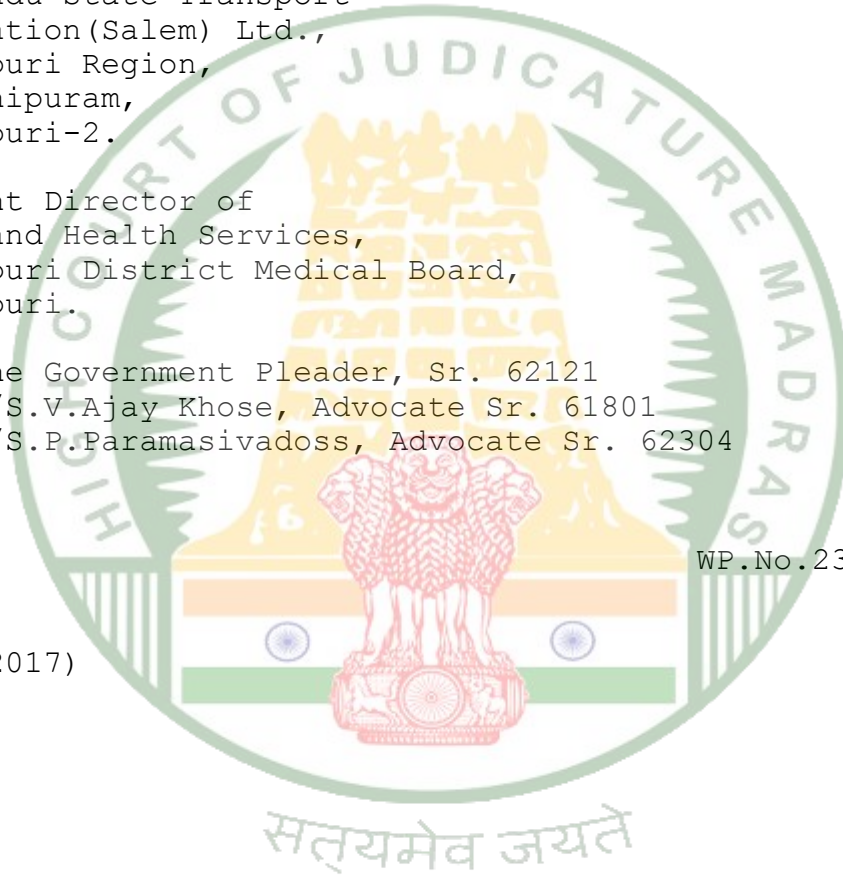
+1cc to the Government Pleader, Sr. 62121

+1cc to M/S.V.Ajay Khose, Advocate Sr. 61801

+1cc to M/S.P.Paramasivadoss, Advocate Sr. 62304

WP.No.23934 of 2013

VR(20/09/2017)



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