



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.[MD].No.1471 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

M.Vasanthakumari : Appellant

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Kanyakumari District.

2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam,
Kanyakumari District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge of this Court dated 07.10.2015, made in W.P.(MD).No.18096 of 2015.

Prayer in WP(MD)18096/2015

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to consider the representation of the Petitioner dated 15.09.2015 and to provide her a suitable alternative employment with pay protection,continuity of service,back wages and all other attendant benefits in accordance with sec 47(1) of the persons with Disabilities(Equal Opportunities,Protection of Rights and Full Participataion)Act,1995.

For Appellant : Mr.T.Jeen Joseph

For Respondents : Mr.K.Sathiyasingh



JUDGMENT

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

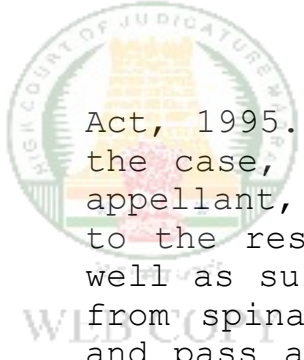
This Writ Appeal is directed against the order of a learned Single Judge of this Court dated 07.10.2015, made in W.P.(MD). No.18096 of 2015.

2. The appellant herein has filed the Writ Petition seeking for the issuance of a Writ of Mandamus, directing the respondents to consider her representation dated 15.09.2015 and to provide her a suitable alternative employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. The case of the appellant in the Writ Petition was that she was employed as a Driver in the Tamil Nadu State Transport Corporation and due to spinal problem and high blood pressure, she remained unauthorizedly absent from 31.03.2015. She gave a letter requesting the respondents to provide a light duty in the campus and since the same has not been considered, she has come up with the Writ Petition for the reliefs as stated above. However, the said Writ Petition was dismissed solely on the ground that she is an unauthorized absentee facing departmental proceedings and without producing sufficient medical documents to provide her an alternative employment, she is not entitled for any relief as sought for. Aggrieved over the same, the appellant is before this Court with the present Writ Appeal.

4. Today, when the appeal was taken up for consideration, the learned counsel for the appellant submits that the appellant was working as a driver and due to spinal problem, she was not in a position to carry on her duty as driver and though she was unauthorizedly absent, she was continuously approaching the respondents with a request to provide alternative employment, but the same was not considered. Further, the learned counsel submits that the appellant is a widow and she is having two children. Hence, the learned counsel prayed for a direction to the respondents to consider the representation of the appellant and provide her alternative employment.

5. Be that as it may, we are of the opinion that the present Writ Petition has been filed only to consider the representation of the appellant dated 15.09.2015, in and by which, she sought for a suitable alternative employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation)



Act, 1995. Therefore, considering the facts and circumstances of the case, without expressing any opinion on the claim made by the appellant, we direct the appellant to make a fresh representation to the respondents forthwith, along with a copy of this order as well as sufficient medical documents to show that she is suffering from spinal problem and the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of such representation.

6. The Writ Appeal is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

+1cc to Mr. J. Jeen joseph, Advocate, 253/17
+1cc to Mr. K. Satyasingh, Advocate, 285/17

JUDGMENT MADE IN
W.A. (MD) No. 1471 of 2015
Dated:- 03.01.2017

SML
KK/KM/SAR3/10.01.2017/4P/3C