



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No.1457 of 2017

WEB COPY

N. Albert Rajaretnam

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Kattapomman Nagar,
Tirunelveli-627011,
Tirunelveli District.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam,
Nagercoil-629001,
Kanyakumari District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Tiruvelveli) Ltd.,
Ranithottam-II-Branch,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refer the petitioner to the Medical Board, Kanyakumari Government Medical College Hospital, Asaripallam, Kanyakumari District, and provide alternate employment to the petitioner, within a stipulated time.

For Petitioner : Mr. M. Dennis Joe

For Respondents : Mr. K. Sathiya Singh

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 2nd respondent to refer the petitioner to the Medical Board, Kanyakumari Government Medical College Hospital, Asaripallam, Kanyakumari District, and provide alternate employment to the petitioner, within a stipulated time.

2. The petitioner is working as a Senior Conductor in the 3rd respondent Branch. He is suffering from Chronic Cervical Spondylosis with recurrent attack of right shoulder girdle pain and Monoarticular Rheumatoid Arthritis / Osteo arthisitis left knee. The doctor has advised him not to do heavy work. Hence, he made a representation dated 17.09.2016 along with the medical certificate, seeking to provide alternative employment followed by reminders and that there was no response to the same. Hence, this writ petition.



3.The learned standing counsel appearing for the respondents corporation submitted that the respondents would consider the case of the petitioner for alternative employment depending upon the report of the medical board.

4.Recording the above submission made by the learned standing counsel for the corporation, the respondents are directed to refer the petitioner to the Medical Board and subject to the report of the medical board, the respondents **(*)1 to 3** shall consider the case of the petitioner for alternative employment under Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(RTI)

**(*)AMENDED AS PER ORDER OF THIS
HON'BLE COURT DATED 08/09/2017**

/TRUE COPY/

Sub Assistant Registrar

(*)TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 15/02/2017

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
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Tirunelveli-627011,
Tirunelveli District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam,
Nagercoil-629001,
Kanyakumari District.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd., Ranithottam-II-Branch,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

+1 cc to MR.K.Sathiya Singh, ADVOCATE, SR NO: 4948

+1 cc to MR.M.Dennis Joe, ADVOCATE, SR NO: 4986

<https://hcservices.ecourts.gov.in/hcservices/>

sva/mr/14.02.2017/2p/6c

RL/6C/2P/MR/KKR/SAR1/15/9/2017

W.P (MD) No.1457 of 2017
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