



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1486 of 2017

and

WMP(MD)Nos.1204 and 1205 of 2017

R.Srinivasan

... Petitioner

vs.

- 1)The Secretary to Government,
Transport Department, Tamil Nadu Government,
St.George Fort, Chennai-600 009.
 - 2)Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Railway Station Road,
Kumbakonam, Thanjavur District.
 - 3)The General Manager, Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region, Karur.
 - 4)The Branch Manager, Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Musiri Branch, Musiri, Trichy District.
 - 5)The Dean,
Annal Gandhi Memorial Government Hospital,
Trichy.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to provide the Petitioner suitable alternative employment in the Musiri Branch (Trichy District), Karur Region of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Thanjavur with pay protection, continuity of service and monthly salary from the month of August, 2014 to till date including interest and back wages payable to him as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.



For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 : Mr.K.P.Krishnadass, Government Advocate

For R2 to R4 : Mr.D.Sivaraman

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to provide the petitioner suitable alternative employment in the Musiri Branch (Trichy District), Karur Region of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Thanjavur with pay protection, continuity of service and monthly salary from the month of August, 2014 to till date including interest and backwages payable to him as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

2.The petitioner is working as a Senior Conductor in the 4th respondent Branch. According to him, he is suffering from severe back pain and he seeks to provide him alternative employment based on the opinion given by the Assistant Professor of Orthopedics, Department of Orthopedics, Chennai Medical College Hospital & Research Centre, Irungalur, Trichy, in the certificate dated 12.05.2016, wherein, it has been certified as follows:-

"This is to regarding Mr.R.Srinivasan, who is suffering from IVDP L5-S1 and he has been treated conservatively in SRM Hospital, Trichy. He cannot perform any strenuous activity (or) standing for long time."

3.Learned standing counsel appearing for the respondents 2 to 4 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 2 to 4 are directed to refer the petitioner to the Medical Board and subject to the report of the medical board, the respondents 2 to 4 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. Consequently, WMP(MD)Nos.1204 and 1205 of 2017 are closed.

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/True Copy/

Sd/-

Assistant Registrar (C)

Sub Assistant Registrar

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To

- 1)The Secretary to Government,Transport Department,
Tamil Nadu Government,St.George Fort,Chennai-600 009.
- 2)The Managing Director, Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd., Railway Station Road,
Kumbakonam,Thanjavur District.
- 3)The General Manager,Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region, Karur.
- 4)The Branch Manager,Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Musiri Branch,Musiri,
Trichy District.

+1CC to Mr.D.Sivaraman, Advocate Sr.No.5494

+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.5426

+1CC to Spl.Government Pleader Sr.No.5350

GJM/Sv/MMS/15.2.17-3p-8C

W.P (MD) No.1486 of 2017
31.01.2017