



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2017**

**CORAM :
THE HONOURABLE MR.JUSTICE T.RAJA**

WEB COPY

**W.P. (MD) Nos.15835 and 15837 of 2017
and
W.M.P. (MD) No.12515 in W.P. (MD) No.15835/2017
and
12517 of 2017 in W.P. (MD) No.15837 of 2017**

K.Srinivasan

... Petitioner in
W.P.No.15835/2017

L.Marimuthu

... Petitioner in
W.P.No.15837/2017

Vs.

1. The Government of Tamilnadu
Represented by its Secretary to Government
Transport Department, Secretariat,
Chennai.
2. The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam, Thanjavur District.
3. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai
Trichy.
4. The Assistant Manager (Personnel)
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai
Trichy. ...Respondent 1 to 4 in both WPs.
5. The Branch Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Perambalur Branch,
Thuraimangalam
Perambalur Taluk & District...5th Respondent in WP (MD) No.15837/17
6. The Administrator,
Tamilnadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai.



7. The Dean,
Annal Gandhi Memorial Government Hospital
Trichy.

...Respondent 6 & 7 in both WPS

8. The Branch Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Lalgudi Branch, Lalgudi,
Trichy District.

..5th Respondent in WP(MD) No.15835/17

PRAYER in W.P. (MD) No.15835/2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to provide the petitioner suitable alternative employment in the 5th respondent Corporation, Lalgudi Branch with pay protection, continuity of service and monthly salary with backwages from May 2017 to till date including backwages with reasonable rate of interest payable to the petitioner as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

PRAYER in W.P. (MD) No.15837/2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to provide the petitioner suitable alternative employment in the 5th respondent Corporation, Perambalur Branch with pay protection, continuity of service and monthly salary with backwages from January 2017 to till date including backwages with reasonable rate of interest payable to the petitioner as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

For Petitioner in both : Mr.N.Sudhagar Nagaraj

For Respondents in both : Mr.D.Sivaraman

standing counsel for R2 to R6

Mr.K.Guru for R1 & R7

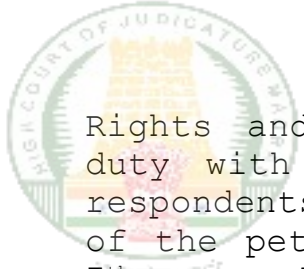
Additional Government Pleader

COMMON ORDER

By consent of both sides, these writ petitions themselves are taken up for final disposal.

2. Heard the learned counsel for the petitioners, the learned standing counsel for the respondents 2 to 6 and the learned Additional Government Pleader for the respondents 1 and 7.

3. The petitioners are Drivers working in the Transport Corporation continuously with colour vision defect. As they are not in a position to work as Drivers or any other heavy work, the respondents 1 to 5 are statutorily bound by Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of



Rights and Full Participation) Act 1995 to provide alternative duty with pay protection and continuity of service. But the respondents 1 to 5 have not till date chosen to consider the case of the petitioners for alternative job. The Medical Board of the 7th respondent has also certified that they are not fit for the post of Drivers, in view of the colour vision defect, the respondents cannot deny in placing the petitioners in light duty. Therefore, a direction may be given to the respondents, it is pleaded.

4. Mr.D.Sivaraman, learned standing counsel for the respondents, would submit that though the Medical Board of the 7th respondent has certified that the petitioner's are not fit for the post of Drivers, they have been issued with notice dated 09.08.2017 to appear before the Regional Ophthalmology Centre, Egmore, Chennai. The said Centre also still informed the petitioners individually mentioning the time and date for their appearance, after receiving suitable communication/letter from the Regional Ophthalmology Centre, Egmore, Chennai, the case of the petitioner would be properly considered.

5. The learned counsel for the petitioners also agreed that the petitioners have received a proceeding dated 19.08.2017 and they are also waiting further communication from the Regional Ophthalmology Centre, Egmore, Chennai.

6. In view of the above, the respondents shall consider the case of the petitioners within a period of four weeks from the date of report of the Medical Board. The respondents are further directed to consider the request of the petitioners for their arrears of backwages.

7. The writ petitions are disposed of with the above directions. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
Government of Tamilnadu
Transport Department, Secretariat,
Chennai.
2. The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam, Thanjavur District.



3. The General Manager,
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(Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai
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4. The Assistant Manager (Personnel)
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Thiruvalluvar House,
Pallavan Salai
Chennai.
8. The Dean,
Annal Gandhi Memorial Government Hospital
Trichy.

+2cc to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.75736,75737
+2cc to Mr.D.Sivaraman, Advocate Sr.No.75623,75624
+1cc to Spl.Government Pleader Sr.No.76081

RR
VB/SKN/RSK/SAR1/22/09/2017/4P/14C

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