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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.2056 of 2017

and

WMP (MD) No.1721 of 2017

K.Sankar Nehru

... Petitioner

vs.

The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Rep. by its Managing Director,
Bye pass Road,
Madurai-625 016.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board for find out his disability and to provide him a suitable alternative permanent 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 Participation) Act 1995.

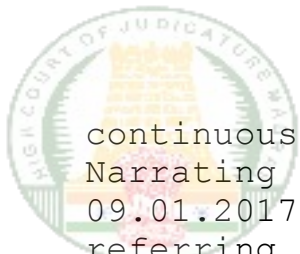
For Petitioner : Ms.X.Sumalatha

For Respondent : Mr.A.P.Muthupandian

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board to find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, backwages 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.

2.The petitioner is a driver working in the respondent corporation from 22.04.1995. He suffered pain in his Spinal-cord and Neck. He was admitted in IRT Perundhurai Medical College as an inpatient from 02.03.2007 and discharged on 20.03.2007 and till date, he is taking treatment as outpatient. The Medical Certificates issued to the petitioner enclosed in the typed set of papers show that the petitioner is suffering from clinic Lumbar Spinalosis C partial sacralization of Lumbe Vertendral C Brachial Neuralgia and that the petitioner has been advised to avoid



continuous driving and heavy work and to do only light work. Narrating the same, the petitioner made a representation dated 09.01.2017 to the respondent seeking alternative employment by referring to him to the Medical Board and that the same has not been considered. Hence, this writ petition.

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3.Learned standing counsel appearing for the respondent submitted that the respondent 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 respondent, the respondent is directed to refer the petitioner to the Medical Board and subject to the report of the medical board, the respondent 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)No.1721 of 2017 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye pass Road,
Madurai-625 016.

+1 cc to M/s. G.M.XAVIER, Advocate, Sr.No: 6683

nbi

MAS/MR:27.02.2017:2P/3C

W.P (MD) No.2056 of 2017
07.02.2017