



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3125 of 2017

and

W.M.P (MD) No.2493 of 2017

H.Christopher Ebenezer

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Transport Corporation Limited,
Chennai - 600 002.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Tirunelveli and Nagercoil Zones,
KTC Nagar, Tirunelveli - 627 011.

3.The General Manager (Operations),
Tamil Nadu State Transport Corporation Limited,
Tirunelveli Zone,
Vannarpet,
Tirunelveli - 627 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to provide alternative employment to the Petitioner in the respondents Corporation by considering the representation of the Petitioner dated 19.1.2017.

For Petitioner : Mr.V.Panneerselvam
for M/s.C.S.Associates

For Respondents : Mr.K.Sathiya Singh
Standing Counsel

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to provide alternative employment to the Petitioner in the respondents Corporation by considering the representation of the Petitioner dated 19.1.2017.



2.Mr.K.Sathiya Singh, learned Standing Counsel takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner is a Driver working in the respondents Corporation from 10.09.1993. He suffered from eye defects in his eyes and had also underwent medical examination at Dr.Agarwal's Eye Hospital. The said hospital directed to wear spectacles. The Petitioner has also sent for another check up with Aravind Eye Hospital and they say that the Petitioner is alright and fit for driving. Without being satisfied with the said reports, the Petitioner has given a representation to the second respondent to pass orders on the driver post. The said representation has not been considered so far. Hence this Writ Petition.

4.The learned Standing Counsel for the respondents submitted that the respondents would consider the case of the Petitioner for alternative employment depending upon the report of the medical board.

5.Recording the above submission made by the learned Standing Counsel for the respondents, the respondents concerned is directed to refer the Petitioner to the Medical Board and subject to the report of the medical board, the respondents concerned 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.

6.With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

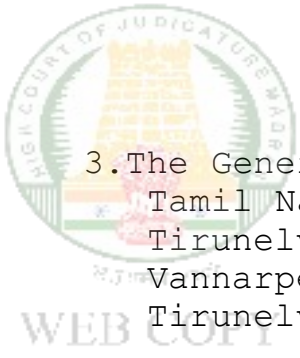
Sub Assistant Registrar

vsn

To:

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3.The General Manager(Operations),
Tamil Nadu State Transport Corporation Limited,
Tirunelveli Zone,
Vannarpet,
Tirunelveli - 627 003.

+1CC to Mr.V.Panneer Selvam, Advocate Sr.No.10402
+1CC to Mr.K.Sathiya Singh, Advocate Sr.No.10213

GJM/BS/SAR-I-7.3.17-3p-6c

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