



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No.3130 of 2017

WEB COPY

J. Franklin Gnanadoss David

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation

(Madurai) Limited,

represented by its Managing Director,

Bye-pass Road, Madurai.

2. The General Manager,

Tamil Nadu State Transport Corporation

(Madurai) Limited,

Madurai Region, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to refer the Petitioner to the medical board of any Government Hospital to ascertain his physical fitness to work as Conductor and to provide him suitable alternative employment with pay protection, continuity of service and back wages from 7.5.2016 to till the date on which light duty is provided to him as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr. Y. Arulanandasamy
for M/s. A. Rahul

For Respondents : Mr. A. P. Muthupandian
1 and 2 Standing Counsel

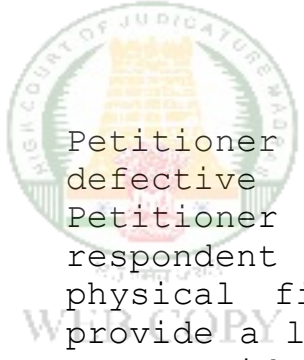
O R D E R

This Writ Petition has been filed, seeking a direction to the respondents 1 and 2 to refer the Petitioner to the medical board of any Government Hospital to ascertain his physical fitness to work as Conductor and to provide him suitable alternative employment with pay protection, continuity of service and back wages from 7.5.2016 to till the date on which light duty is provided to him as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Mr. A. P. Muthupandian, learned Standing Counsel takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

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

3. The Petitioner is a Conductor working in the first respondent Corporation from 31.12.2010. He suffered from eye defects in both his eyes and had also undergone medical examination at Aravind Eye Hospital. The medical certificate issued to the



Petitioner shows that he is suffering from defective vision and defective colour vision of six months duration. Hence the Petitioner has made a representation dated 30.1.2017 to the second respondent seeking to refer him to medical board to ascertain his physical fitness to continue in the duty of Conductor and to provide a light duty in the mean time. The said representation has not 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 second respondent is directed to refer the Petitioner to the Medical Board and subject to the report of the medical board, the second 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.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
represented by its Managing Director,
Bye-pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region, Madurai.

+1 cc to MR.A.Rahul, ADVOCATE, SR NO:10705