



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No. 3548 of 2017

WEB COPY

T. Amulraju

... Petitioner

vs.

1) The General Manager (Operation & Management),
State Express Transport Corporation (Tamilnadu) Ltd.,
Pallavan Salai,
Chennai 600 002.

2) State Express Transport Corporation (Tamilnadu) Ltd.,
Pallavan Salai,
Chennai 600 002

Represented by its Managing Director.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to provide a suitable alternative employment to the petitioner with pay protection, continuity of service and salary arrears payable to him with effect from the date on which he was absent for duty in the post of Driver due to his disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr. V. Kannan

For Respondents : Mr. K. Sathiyas

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to provide a suitable alternative employment to the petitioner with pay protection, continuity of service and salary arrears payable to him with effect from the date on which he was absent for duty in the post of Driver due to his disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. The petitioner is a driver cum conductor working in State Express Transport Corporation (Tamilnadu) Ltd., Trichy. While so, he was directed to appear before the District Medical Board, Trichy, Medical Board in Mahatma Gandhi Memorial Hospital, Trichy and the Medical Board of the respondent on various dates, to ascertain the fitness of the petitioner to discharge the said post. Lastly, he was directed to appear before the Medical Board of the respondent corporation on 29.11.2016 and that the



petitioner appeared on the said dated and was subjected to medical examination.

3.Now, the 1st respondent vide letter dated 04.01.2017 has informed the petitioner that his claim for joining duty would be considered after the receipt of the report of the medical board which examined the petitioner on 29.11.2016.

4.Learned standing counsel appearing for the respondents submitted that the respondents would consider the case of the petitioner depending upon the report of the medical board.

5.Recording the above submission made by the learned standing counsel for the respondents, the respondents are directed to get the report of the Medical Board of the respondent corporation before which the petitioner appeared on 29.11.2016, within a period of two weeks from the date of receipt of a copy of this order and subject to the report of the Medical Board, the respondents 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 within two months thereafter. The petitioner as well as the respondents are directed to communicate this order to the Medical Board for compliance of this order by the respondents within the time stipulated supra.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1) The General Manager(Operation & Management),
State Express Transport Corporation (Tamilnadu) Ltd.,
Pallavan Salai, Chennai 600 002.
- 2) The Managing Director,
State Express Transport Corporation (Tamilnadu) Ltd.,
Pallavan Salai, Chennai 600 002.

+1 cc to MR.K.Sathiya Singh, ADVOCATE, SR NO: 11769

+1 cc to MR.V.Kannan, ADVOCATE, SR NO: 11749

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