



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

W.P(MD)No.4304 of 2017

B.Kathiresan,  
Driver cum Conductor,  
Staff No.32131,  
No.107C/7E/7,  
TMB Colony west,  
Thoothukudi District.

.. Petitioner

Vs.

1.The Managing Director,  
State Express Transport Corporation Tamil Nadu Limited,  
Pallavan Salai,  
Chennai-600 002.

2.The General Manager,  
State Express Transport Corporation,  
Tamil Nadu Limited,  
Pallavan Salai,  
Chennai-600 002.

3.The Branch Manager,  
State Express Transport Corporation,  
Tamil Nadu Limited,  
Thoothukudi Branch,  
Thoothukudi.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to provide him suitable alternative employment with the 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 cum conductor 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  
For Respondents

: Mr.S.Sivanesan  
: Mr.K.Sathiyasingh  
Standing Counsel for SETC

ORDER

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to provide him suitable alternative employment with the 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 cum conductor due to his disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Heard the learned counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Standing Counsel, who takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The case of the petitioner is that he is working as a driver cum conductor in the State Express Transport Corporation Tamil Nadu at Thoothukudi Branch. The petitioner further submits that due to severe backpain, he could not attend the work from 16.01.2016 and also found medically unfit due to the disc prolapse with radiculopathy, as per the opinion of the Medical Board. In these circumstances, the petitioner made a representation to give alternative employment taking into the physical condition of the petitioner.

5. In a similar case, in W.P(MD)No.804 of 2017 by an order, dated 31.01.2017, the learned Single Judge of this Court, after referring to Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, has directed the respondents 1 and 2 to provide alternative employment in the form of light duty to the petitioner forthwith, bearing in mind the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and also by taking into account the medical report of the Medical Board.

6. Having regard to the facts narrated above, this Court is inclined to pass following direction.

7. The respondents 1 to 3 are directed to consider the representation of the petitioner dated 13.02.2017 to provide alternative employment suitable to the petitioner forthwith, in the light of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and taking into consideration the medical report of Medical Board, dated 25.11.2016 within a period of two weeks from the date of receipt of a copy of this order.



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

WEB COPY

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,  
State Express Transport Corporation Tamil Nadu Limited,  
Pallavan Salai,  
Chennai-600 002.

2. The General Manager,  
State Express Transport Corporation,  
Tamil Nadu Limited,  
Pallavan Salai,  
Chennai-600 002.

3. The Branch Manager,  
State Express Transport Corporation,  
Tamil Nadu Limited,  
Thoothukudi Branch,  
Thoothukudi.

+One cc to Mr. S. Sivanesan, Advocate, SR.No.14910

+One cc to Mr. K. Sathiya Singh, Advocate, SR.No.14912

RL/6C/3P/MR/28.3.2017

W.P (MD) No.4304 of 2017

15.03.2017