



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P(MD)No.9782 of 2016

and

W.M.P(MD)Nos.7740 and 7741 of 2016

C.Krishnan

... Petitioner

vs.

1)The Managing Director,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd., Bye Pass Road,
Madurai-625016.

2)The General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Dindigul Region,
Bye Pass Road, Dindigul-624004.

3)The Dean,
Government Medical College Hospital
Theni, Madurai Main Road, Theni.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1 and 2 Respondents to provide any alternative employment to the petitioner as per order of the 2nd respondent dated 31.03.2016 under section 47 of Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995 with pay protection and other consequential benefits and to re-credit the Medical Leave for 60 days in terms of order of this Hon'ble Court in W.P(MD)No.20410 of 2015 and M.P(MD)No.1/2015 dated 18.11.2015.

For Petitioner : Mr.S.Govindan
For R1 & R2 : Mr.A.Jayaram

ORDER

The petitioner seeks a Mandamus directing the respondents 1 and 2 to provide alternative employment to him, as he is not fit to drive heavy vehicles and that he is entitled to alternative employment as per Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995, with pay protection and other benefits.

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

2.The petitioner submits that in similar circumstances, this



Court has granted the relief in W.P.No.20410/2015 dated 18.11.2015 in the case of one P.Rajesh.

3.Though the prayer in that writ petition is completely different from the present one on hand, the facts appear to be identical and the petitioner/driver in that case was also found not fit for driving the heavy vehicles and after getting the medical certificate, he was referred to the Chief Medical Officer to get further opinion in the matter.

4.In this case, already the petitioner has been found unfit and that apart, the respondents cannot keep on referring the person who suffered with disability to one Medical Board or the other till such time they get a favourable report in their favour. The action of the respondents is deprecated and they shall provide alternative employment to the petitioner and extend the other benefits in terms of Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995, and such exercise should be completed within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.7740 and 7741 of 2016 are closed.

Sd/-

Assistant Registrar(Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1)The Managing Director,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd., Bye Pass Road,
Madurai-625016.

2)The General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Dindigul Region,
Bye Pass Road, Dindigul-624004.

3)The Dean,
Government Medical College Hospital
Theni, Madurai Main Road, Theni.

+1cc to Mr.S.GOVINDAN, Advocate in SR. No.3352

NBI

JS/CM/MSA/03.02.2017/2P-5C