

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41273 of 2016

C.Palanisamy

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Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 001.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider and provide the petitioner with permanent alternative employment in the cadre equal to the post of Conductor with pay protection, continuity of service and all other attendant benefits as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, after ascertaining his fitness to continue in the post of Conductor by referring him to the Medical Board.

For Petitioner

: Ms.S.Girija

For Respondents

: Mr.Rajeni Ramadass

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider and provide the petitioner with permanent alternative employment in the cadre equal to the post of Conductor with pay protection, continuity of service and all other attendant benefits as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection of

Rights and Full Participation) Act, 1995, after ascertaining his fitness to continue in the post of Conductor by referring him to the Medical Board.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner was appointed as a Conductor in the respondent-Corporation and on account of certain serious illness, he was unable to perform his duties and responsibilities in the post of Conductor. The writ petitioner made a request to the respondent-Corporation to provide him an alternative employment. The respondent-Corporation also referred the writ petitioner before the Medical Board for medical examination. The Medical Board assessed the writ petitioner and granted temporary disability of 40% only. However, a finding was made that the writ petitioner is not a fit person to perform the duties of the Conductor.

3. The learned counsel, appearing on behalf of the respondent-Corporation, states that now a period of one year has been lapsed and the writ petitioner has to be sent for re-examination by the Medical Board.

4. In this view of the matter, it is suffice, if a direction is issued to the respondent-Corporation to consider the case of the writ petitioner, if necessary, once again referring him to the Medical Board for assessment. Accordingly, the writ petitioner is directed to submit a fresh application, setting out all the factual details and seeking alternative employment, within a period of two weeks from the date of receipt of a copy of this order. If any such application is received from the writ petitioner, the respondent-Corporation shall consider the same and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 001.

+1cc to Mr.Rajeni Ramadass, Advocate in sr.no.31152

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nr 17/05/2018



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