

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2018

Coram

The Hon'ble Mr. Justice Satrugana Pujahari
W.P.No.25208 of 2018

R.Ramesh Lal

...Petitioner

Vs

1. The Managing Director,
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.
2. The Senior Deputy Manager (HRD)
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.
3. Assistant Manager, (Personal Sec)
Mandaveli Depot,
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the representation of the petitioner dated 23.08.2018 with regard to providing alternative duty as contemplated in section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation).

For Petitioner : M/s. R.Sudha

For Respondents : Mr.P.Kannan Kumar
Standing Counsel

O R D E R

Heard, M/s. R.Sudha, the learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned Standing Counsel, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The case of the petitioner in this Writ Petition is that, while he was working as Conductor in the respondent, Transport Corporation, he met with an accident, resulting in his physical disability. On account of the said disability, he was

given alternative employment as Time Keeper on the certification of the Medical Board, which was only for a period of sixth months. Thereafter, since the disability of the petitioner is continuing, he made a representation to the first respondent on 23.08.2018, to permit him to continue to work as Time Keeper. The said representation having evoked no response, the petitioner has come to this Court seeking a writ of mandamus directing the respondents to consider his representation and provide him such alternative employment, as contemplated under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act.

3. Heard the learned counsel appearing for the parties and perused the materials on record.

4. Considering the limited grievance of the petitioner, especially, the fact that the prayer sought for by him is for a direction to consider his representation to allow him to continue in the alternative employment, which was allowed to him considering his physical disability, this Court disposes of this Writ Petition at the stage of admission without seeking reply affidavit with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner, dated 23.08.2018, if the same is still pending, within a period of three weeks from the date of receipt of copy of this order, after obtaining certification of the Medical Board with regard to his disability and communicate the decision taken to him. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1. The Managing Director,
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.
2. The Senior Deputy Manager (HRD)
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.

3. Assistant Manager, (Personal Sec)
Mandaveli Depot,
Metropolitan Transport Corporation (MTC)
Pallavan House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.R.Sudha, Advocate, S.R.No.65918

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No. 66787

W.P.No.25208 of 2018

rrs 11/10/2018



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