

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO.31936 OF 2018

AND

W.M.P. NO. 37169 OF 2018

S.Raman

.. Petitioner

- Vs -

1. The Managing Director
Metropolitan Transport Corporation Ltd.
Pallavan House, Anna Salai
Chennai 600 002.

2. The General Manager (HRD)
Metropolitan Transport Corporation Ltd.
Pallavan House, Anna Salai
Chennai 600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to provide alternate employment to the petitioner as guaranteed under Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, with continuity of service including protection of seniority and pay along with full backwages and other attendant benefits.

For Petitioner : Mr.P.M.Vijayakumar

For Respondents : Mrs. Rajeni Ramdoss
Standing Counsel for TNSTC

ORDER

The petitioner, who had been appointed as reserve crew in Mandaveli Depot on temporary basis by proceedings dated 31.1.2011 is before this Court submitting that he suffered fracture of L-3 Vertebrae and unable to drive vehicles, which has been certified by the Medical Board at Rajiv Gandhi Government General Hospital and, therefore, praying this Court to direct the respondents to provide alternate employment in

terms of the provisions under Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act.

2. It is the case of the petitioner that he met with an accident and was originally admitted at the Government Hospital, Chrompet and, thereafter, shifted to Rajiv Gandhi Government General Hospital for further management and treatment. Thereafter, he was referred to the Medical Board at Rajiv Gandhi Government General Hospital by order of the 2nd respondent, dated 9.1.18. Originally, the Medical Board of the Rajiv Gandhi Government General Hospital certified that the petitioner is unfit for driving vehicles and that made the petitioner to seek for alternate employment.

3. The petitioner appeared before the Principal Financial Officer of the respondents as directed on 8.5.18 and produced the medical records. Claiming that the respondents are not providing continuous employment, but only employment for a limited period, the present writ petition has been filed seeking a direction on the respondents to provide alternate employment to the petitioner.

4. Ms. Rajeni Ramdoss, learned standing counsel takes notice for the respondents. On instructions, learned counsel produced the communication dated 15.9.18, wherein the petitioner has been provided alternate employment as security guard. However, the said communication reveals that the employment is only for a period of six months. When the same is pointed out, learned counsel for the respondents submitted that the disablement suffered by the petitioner would be assessed periodically by the Medical Board and subject to the Medical Board certifying as to the disablement of the petitioner, further proceedings relating to alternate employment would be issued.

5. Learned counsel appearing for the respondents, therefore, submits that the writ petition has become infructuous as even before the filing of the writ petition, the order dated 15.9.18 has been passed providing for alternate employment. Though such a contention is advanced, the same cannot be accepted for the simple reason that the order dated 15.9.18, though alleged to have been passed, however, the same has not been communicated to the petitioner, else the petitioner would not have approached this court with the present petition.

6. The specific complaint of the petitioner in the present petition is that intermittently he is given alternate employment and it is not continuous. However, recording the stand of the respondents that the disablement of the petitioner would be assessed periodically by the Medical Board and the petitioner would be provided with employment, this writ petition is

disposed of with a further direction to the respondents to pass necessary orders for continuously employing the petitioner so that the petitioner is not made to come before this court by way of another writ petition due to delayed action/non-communication of orders to the petitioner by the part of the respondents.

7. With the observations and directions as above, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Managing Director
Metropolitan Transport Corporation Ltd.
Pallavan House, Anna Salai
Chennai 600 002.
2. The General Manager (HRD)
Metropolitan Transport Corporation Ltd.
Pallavan House, Anna Salai
Chennai 600 002.

+1 cc to M/s.Ra.Srividya, Advocate SR.No.84385

+1 cc to M/s.Rajeni Ramadoss, Advocate SR.No.84351

सत्यमेव जयते

W.P. NO. 31936 OF 2018

VP(CO)

CSL/23.01.2019

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