



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.2882 of 2018

A.Paulmoses

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation,
(Tirunelveli) Ltd,
Kattapomman Nagar,
Tirunelveli - 627 011,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport
Corporation,
(Tirunelveli) Ltd,
Nagercoil Region, Ranithottam,
Nagercoil - 629 001,
Kanyakumari District.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation,
(Tirunelveli) Ltd,
Vivekananthapuram Branch,
Kanyakumari Post - 629 702,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to provide permanent alternate employment of light work to the petitioner as per the Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Medical Board report dated 13.12.2017 in the second respondent's corporation within a stipulated time.

For petitioner

: Mr.M.Dennis Joe

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

For respondents

: Mr.K.Sathiyasingh

**O R D E R**

The petitioner is presently working as a Driver in the respondent corporation. He is suffering from spinal cord problem. As a result of the said disability, the petitioner is unable to drive the vehicle. The petitioner was referred to the Medical Board and it has given a report dated 13.12.2017 to the effect that the petitioner is suffering from compressive Myelopathy Pthromp Cervical DISC Disease and Quadriparesis.

2. Therefore, he has been certified as unfit to continue as a Driver/Conductor. In view of the aforesaid Medical Board report, the respondents are bound to provide permanent alternative employment to the petitioner in consonance with Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. The learned standing counsel appearing for the respondents submitted that the petitioner's condition is curable in future.

4. Taking note of the said submission, a direction is given to the respondents to provide alternative employment to the petitioner forthwith. It is made clear that after two years, the petitioner will be referred to a duly constituted Medical Board for a fresh examination. If the said Medical Board finds the petitioner to be fit to continue as a driver, it is needless to mention that the corporation thereafter withdraw the assignment of alternate work and re-post him as a Driver.

5. With this clarification and direction, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+1CC TO M/S.M.DENNIS JOE, ADVOCATE, SR NO.50667

+1CC TO M/S.K.SATHIYA SINGH, ADVOCATE, SR NO.50739

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s km

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