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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.2912 of 2018

V.Mohanakumar ...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Kattapomman Nagar,
Tirunvelveli-627011,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Nagercoil Region,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Ranithottam III Branch, Nagercoil-629001,
Kanyakumari District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board, Kanyakumari Government Medical College Hospital, Asaripallam, Nagercoil and provide 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 in the second respondent's Corporation.

For Petitioner : Mr.M.Dennis Joe
For Respondents : Mr.K.Sathyasingh
Standing Counsel for TNSTC

ORDER

Mr.K.Sathyasingh, learned Standing Counsel, takes notice on behalf of the respondents.

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2.By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3.The petitioner is employed as a Driver in the respondents/ Corporation. His grievance is that he has suffered injuries and that therefore he is not in a position to continue to work as a Driver. In this regard, he has given a representation dated 03.11.2017 along with the medical certificate.

4.He wants to be provided with alternate light work. He therefore seeks reference to the Medical Board, Kanyakumari Government Medical College Hospital, Asaripallam, Nagercoil Disrict. Since no action has been taken, this Writ Petition has been filed.

5.This Court is not expressing any opinion on the merits of the matter. There cannot be any objection for referring the case of the petitioner for consideration by the Medical Board.

6.Therefore, a direction is given to the second respondent to refer the petitioner to the concerned Medical Board. Such reference shall be made within a period of three weeks from the date of receipt of a copy of this order. It is open to the management to take action in accordance with law in the light of the report submitted by the Medical Board.

7.The Writ Petition is allowed to this extent. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Kattapomman Nagar,
Tirunvelveli-627011,
Tirunelveli District.
2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Nagercoil Region,
Ranithottam, Nagercoil-629001,
Kanyakumari District.

+1cc to M/S.M.Dennis Joe, Advocate SR.No. 48692
+1cc to M/S.K.Sathyasingh, Advocate SR.No. 48502

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JM/SKN RSK/SAR 4/15.03.2018/2P/5C