



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.15962 of 2018

P.Stalin

... Petitioner

Vs.

1. The Managing Director,
State Express Transport Corporation
Tamilnadu Ltd.,
Pallavansalai, Chennai - 2.

2. The General Manager,
State Express Transport Corporation
Tamilnadu Ltd.,
Pallavansalai, Chennai -2.

3. The Branch Manager,
State Express Transport Corporation
Tamilnadu Ltd.,
Marthandam Branch, Marthandam.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide suitable permanent alternative employment with pay protection, continuity of service to the petitioner on duty in the post of driver cum conductor to the petitioner's disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

For Petitioner : Mr.L.Prabakaran
For Respondents : Mr.K.Sathyasingh

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to provide suitable permanent alternative employment with pay protection, continuity of service to the petitioner on duty in the post of driver cum conductor to the petitioner's disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.



2. Heard Mr.L.Prabakaran, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner was working as Driver cum Conductor at the respondent Corporation i.e. State Express Transport Corporation. The petitioner had been suffered with chronic liver disease. Therefore, the petitioner was not able to continue in the said job of Driver cum Conductor and when the petitioner sought for alternative employment, he has been referred to the Medical Board for examination of his physical fitness. Accordingly, the Medical Board, after having examining the petitioner, had issued the medical certificate on 06.09.2017 stating that the petitioner suffered with chronic liver disease and on the strength of the Medical Board certificate, the petitioner had requested the respondent Corporation to give him alternative employment by request dated 18.01.2018 and reminder dated 12.03.2018. However, those representations, since have not been considered and no alternative employment is given in spite of the provisions under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, especially under Section 47(1) of the Act, the petitioner is before this Court. In this regard, the learned counsel appearing for the petitioner would submit that, if the said representations submitted by the petitioner dated 18.01.2018 and 12.03.2018 in the light of the medical certificate issued by the Medical Board and taking into account of the provisions of the said Act, are considered by the respondents, within a time frame and an orders to that effect are passed, within a time frame, the petitioner would be satisfied.

4. I have heard the learned standing counsel appearing for the respondents, who would submit that the representations of the petitioner dated 18.01.2018 and 12.03.2018 would be considered on merits and in accordance with law and also under the provisions of the said Act, within a time frame an orders to that effect would be passed thereon.

5. In the light of the said submissions made by both sides and in view of the factual situation of the case, where the petitioner is seeking alternative employment due to health condition, this Court is inclined to pass the following order:

"The respondents are directed to consider the representations of the petitioner dated 18.01.2018 and 12.03.2018 on the strength of the medical certificate issued by the concerned Medical Board and also taking into account the provisions of the Act under Section 47(1) of Persons with Disabilities



(Equal Opportunities, Protection of Rights and Full Participation) Act 1995 and pass orders thereon for the grant of alternative employment to the petitioner based on the physical fitness of the petitioner as of now, within a period of six weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

+ 1 CC TO Mr.L.PRABAKARAN, ADVOCATE IN SR No. 74510
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 74508

ARUL

TE/RSK/SAR-1 : 10/08/2018 : 3P/3C

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