



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.07.2018
CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P(MD)No.14342 of 2018
and
W.M.P.(MD) No.12974 of 2018

P.Rajendran ... Petitioner
Vs.

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumakonam. ... Respondents

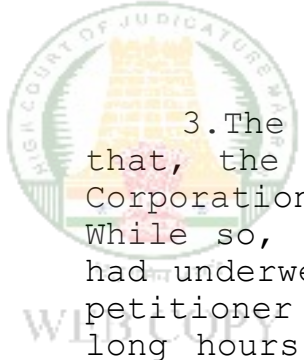
Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to refer the petitioner to the Medical Board of any Government Hospital to ascertain his physical fitness to work as Conductor and consequently direct the respondents to provide the petitioner suitable alternative employment with pay protection, continuity of service and other attendant benefits with backwages as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents 1 and 2 to refer the petitioner to the Medical Board of any Government Hospital to ascertain his physical fitness to work as Conductor and consequently direct the respondents to provide the petitioner suitable alternative employment with pay protection, continuity of service and other attendant benefits with backwages as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>



3.The learned counsel appearing for the petitioner would submit that, the petitioner was appointed as Conductor at the respondent Corporation in the year 1997, and has been working for long years. While so, since the petitioner was suffered with heart disease, he had underwent heart surgery on 22.02.2017. After the surgery, the petitioner was not able to discharge his duty, because, if he stands long hours for issuing tickets with crowded bus, it has developed some cardiac problem and giddiness. Therefore, the petitioner, in order to get some light work by way of alternative employment, has given representation to the respondents on 09.06.2018. Therefore, the learned counsel appearing for the petitioner would submit that if the petitioner's request is considered by referring him to Medical Board and thereafter, if an order to that effect is passed by the respondents, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the respondents, who would submit that the said request made by the petitioner dated 09.06.2018 would be considered on merits including referring him to Medical Board, if need arises and orders will be passed to that effect, within a time frame.

5.Considering the said submissions made by both sides, this Court is inclined to pass the following order:

"The respondents are hereby directed to consider the representation of the petitioner dated 09.06.2018 with regard to his grievances of providing him alternative light work taking into account his medical condition and in this regard, if need arises, the respondents can also refer the petitioner to a Medical Board and after getting the view of the Medical Board, final decision can be taken. At any rate, final order in this regard shall be passed by the respondents, within a period of eight 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)

+1CC to Mr.A.Rahul, Advocate, SR.No.71343

+1CC to Mr.D.Sivaraman, Advocate, SR.No.71579

W.P(MD)No.14342 of 2018

05.07.2018

Arul