



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD) .No.15215 of 2018

and

W.M.P. (MD) .No.13757 of 2018

U.Muthukumar

.. Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation (Madurai) Limited,
Madurai Region,
Represented by its Managing Director,
Bye Pass Road,
Madurai-625 016.

.. Respondent

PRAYER : Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board to find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47 (1) of the persons with disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

For petitioner

: Mr.G.M.Xavier

For Respondent

: Mr.A.P.Muthupandian

ORDER

Heard the learned counsel appearing for the petitioner and Mr.A.P.Muthupandian, learned counsel who takes notice for the respondent.

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

3.The petitioner was appointed as a Conductor in the respondent / Transport Corporation on 01.04.2015. He appears to be suffering from renal issues. Therefore, he seeks alternative employment. Therefore, his case must be referred to the Medical Board. When the petitioner makes a request citing his medical condition, the same has to be considered. Unless the petitioner is



referred to the Medical Board to find out his disability, the issue regarding allotting an alternative employment cannot arise.

4.The respondent / Transport Corporation is directed to refer this matter to the Medical Board to find out the petitioner's disability. Such reference will be made within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition stands partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The Managing Director,
State Transport Corporation (Madurai) Limited,
Madurai Region,
Represented by its Managing Director,
Bye Pass Road,
Madurai-625 016.

+1CC to Mr.G.M.Xavier Advocate in SR.No.72848.

TSG

DS/RP/SAR-4 :17.07.2018: 2P/3C

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