



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15717 of 2018  
and  
WMP(MD) No.14076 of 2018

R.Ponnusamy

... Petitioner

Vs.

1.The Management of  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Rep. By its Managing Director,  
Kumbakonam.

2.The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Trichy Region, Trichy.

3.The Assistant Manager,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Karur Region, Karur.

... 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 forthwith provide alternative employment to the petitioner with pay protection, continuity of service and back wages payable for the disengagement period and to pay wages till the date on which he is provided with alternative duty in terms of 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  
Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to forthwith provide alternative employment to the petitioner with pay protection, continuity of service and back wages payable for the disengagement period and to pay wages till the date on which he is provided with alternative duty in terms of 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.

3. The petitioner has been working as a Driver at Respondent Corporation. However, unfortunately he has suffered with Kidney failure and therefore, he was referred to Medical Board. The Medical Board also by its certificate dated 29.11.2017 certified that the petitioner has been suffered with end stage of kidney failure and therefore, he is unfit for driving.

4. The Medical Officer of the Respondent Corporation also issued similar certificate to the petitioner on 04.04.2018 certifying that the petitioner may be referred to medical board for alternative duty. In spite of the medical documents and more than two representations from the petitioner dated 27.12.2017 and 03.03.2018 for providing alternative employment under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (In short Disabilities Act, 1995), the respondents have not considered the request of the petitioner and in this regard, the petitioner has given a latest representation to the respondents on 11.07.2018. Therefore, the learned Counsel for the petitioner would submit that if the said representation of the petitioner is directed to be considered by the respondent Corporation in the light of the medical certificate issued by the Medical Board and the Medical Officer of the respondent Corporation and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

5. I have heard the learned standing counsel appearing for the respondents, who would submit that, the request of the petitioner would be considered in the light of the medical certificate issued to the petitioner, on merits and in accordance with law and orders to that effect would be passed within a period that may be fixed by this Court.

6. I have considered the submissions made by the learned standing counsel appearing for the respondents and after considering the limited scope of the writ petition, this Court is inclined to pass the following order:

"that the respondents are directed to consider the representation of the petitioner dated 11.07.2018, and earlier representations in the light of the Medical Board Certificate issued on 29.11.2017 and also the Medical Officer of the Respondent Corporation dated 04.04.2018 and accordingly, decide the said request of the petitioner with regard to alternative employment to be provided to him under the provisions of the



Disabilities Act, 1995 and pass orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

1.The Management of  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Rep. By its Managing Director,  
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2.The General Manager,  
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Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Karur Region, Karur.

- 1 CC TO Mr.A.RAHUL , ADVOCATE IN SR No. 74013.
- + 1 CC TO Mr.D.SIVARAMAN , ADVOCATE IN SR No.74186.
- 
- RM
- DS SKN SAR1 18 12 2018 3P 6C

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