



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15996 of 2018

and

W.M.P.(MD) No.14260 of 2018

K.Gurumoorthy

... Petitioner

Vs.

1. The Management of Tamil Nadu State
Transport Corporation
(Kumbakonam) Ltd.,
rep. by its Managing Director,
Kumbakonam.

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

... 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 was 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

O R D E R

The prayer sought for in this writ petition 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 was 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 learned counsel appearing for the petitioner would submit that the petitioner has been working as Conductor at the respondent Corporation. However, he has been suffered with heart disease called Triple Vessel Disease. With the result, he is not able to fit in the job of Conductor. Therefore, he has been referred to the Regional Medical Board of Thanjavur Medical College Hospital. After examination of his medical fitness, the Medical Board has given a certification stating that the petitioner is unfit to be for a Conductor job. Based on the said Medical Board report, the petitioner has given a representation to the second respondent on 05.03.2018 seeking an alternative job and the said representation though has been forwarded by the Branch Manager to the second respondent, the second respondent has not passed any orders so far granting alternative employment to the petitioner taking into account his health condition. Therefore, the learned counsel appearing for the petitioner would submit that if the said representation given by the petitioner dated 05.03.2018 followed by a reminder representation dated 02.04.2018 are directed to be considered on merits and based on the medical certificate issued by the Medical Board, and an order to that effect is 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 request of the petitioner dated 05.03.2018 followed by a reminder representation dated 02.04.2018 shall be considered on merits and in accordance with law, within a time frame.

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

"The second respondent is directed to consider the representations of the petitioner dated 05.03.2018 as well as 02.04.2018 and pass orders thereon, by taking into account the medical certificate issued by the medical board dated 09.02.2018 for consideration of giving alternative employment to the petitioner under the provisions of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a period of four weeks from the date of receipt of copy of this order.



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

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 74644
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 74442

ARUL

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

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