



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.16978 of 2018

and

W.M.P. (MD) No.14959 of 2018

S.Kumar

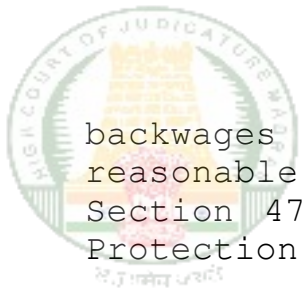
... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its
Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
No.27, Railway Station Road,
Kumbakonam, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichy.
4. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Contoment Mofussil Branch,
Trichy District.

... 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 the petitioner suitable alternative employment in the 3rd respondent Corporation Branch at Rock Fort, Trichy on the basis of the report of the Medical Board, Annal Gandhi Memorial Government Hospital, Trichy dated 08.12.2017 with pay protection, continuity of service and monthly salary with



backwages from 01.09.2017 to till date including back wages with reasonable rate of interest payable to the petitioner as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.K.Saravanan, G.A. For R1
Mr.D.Sivaraman for RR2 to 4

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to provide the petitioner suitable alternative employment in the 3rd respondent Corporation Branch at Rock Fort, Trichy on the basis of the report of the Medical Board, Annal Gandhi Memorial Government Hospital, Trichy dated 08.12.2017 with pay protection, continuity of service and monthly salary with backwages from 01.09.2017 to till date including back wages with reasonable rate of interest payable to the petitioner as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.Heard Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner and Mr.K.Saravanan learned Government Advocate appearing for the first respondent and Mr.D.Sivaraman, learned standing counsel appearing for the respondents 2 to 4.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been working as Driver at the respondent Corporation with effect from 30.07.1997. In the year 2009, he was affected by neuro problem (chronic non-compressive myelopathy). Though he had been continuously taking treatment, he has not fully recovered from such neuro problem and with the result, he is not able to drive the heavy vehicle. In this regard, the petitioner has been referred to Medical Board, who, after having diagnosed the petitioner's health condition, has given a certificate on 08.12.2017, wherein, an opinion has been given that the petitioner is not fit for the post of Driver.

4.Pursuant to the medical board report, the petitioner had made a representation on 19.07.2018 to the respondent Corporation for giving light work by way of alternative work. Therefore, in this regard, the learned counsel appearing for the petitioner would submit that, if the said representation of the petitioner is directed to be considered on merits and in accordance with law and an order to that effect is directed to passed, within a time frame, the petitioner would be satisfied.



5.I have heard the learned Government Advocate and the learned standing counsel appearing for the respondents, who would submit that the said representation of the petitioner dated 19.07.2018 would be considered on merits and in accordance with law and an order to that effect would be passed, within a time frame.

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6.Considering the limited scope of the writ petition, this Court is inclined to pass the following order:

"The respondents are directed to consider the representation of the petitioner dated 19.07.2018 and pass orders thereon, by taking into account the medical report submitted by the petitioner from the medical board, dated 08.12.2017 and accordingly, take a decision with regard to the allotment of any alternative job to the petitioner suitable to his health condition, within a period of six weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-

IV)

To

The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai - 600 009.

+ 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No. 76458
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 76284
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76555

ARUL

TE/RP/SAR-4 : 08/11/2018 : 3P/5C