



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16855 of 2018

and

W.M.P. (MD) No.14889 of 2018

T.Ravichandran

... 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.,
Pudukkottai Region,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to provide the petitioner suitable alternative light duty on permanent basis with pay protection, continuity of service, back wages from 24.03.2018 for the non-employment period on account of disability caused in the right limb 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

ORDER

The prayer sought for herein is for Writ of Mandamus, directing the respondents to provide the petitioner suitable alternative light duty on permanent basis with pay protection, continuity of service, back wages from 24.03.2018, for the non-employment period, on account of disability caused in the right limb 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 for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for the respondents.



3.The learned counsel appearing for the petitioner would submit that, the petitioner has been working as Conductor in the respondent corporation. While so, on 07.11.2016, while he was on duty, he met with an accident. With a result, there had been fracture in the right leg of the petitioner and after taking treatment including a surgery, the petitioner has now recovered, however, the petitioner is not able to stand for long time. Therefore, he has been referred to Regional Medical Board, Pudukkottai, who after having examined the medical fitness of the petitioner, has given a certificate on 07.02.2018, whereby, they certified that the petitioner is physically unfit to do strenuous duties (Conductor). Therefore, he can be given light work (desk job) and he is also mentally fit.

4.Pursuant to the certificate issued by the Regional Medical Board, the petitioner has given request to the respondent on 04.06.2018, to seek for alternative job and to pay the salary for the non working period and if the said representation is directed to be considered and an order to that effect to be passed, within the time frame, on merits, the petitioner would be satisfied.

5.I have heard Mr.D.Sivaraman, learned Standing Counsel for the respondents, who would submit that the said request of the petitioner, dated 04.06.2018 would be considered and an order to that effect would be passed on merits within a time frame.

6.Considering the said submissions made by both sides and taking into account, the limited scope of the writ petition, this Court is inclined to pass the following order:

"The respondents are hereby directed to consider the representation of the petitioner, dated 04.06.2018, in the light of the medical certificate issued by the Regional Medical Board, dated 07.02.2018 and pass orders thereon, with regard to the request of the petitioner for alternative employment (light work) and also with regard to his grievance of salary for the non-working period and decide the same and pass orders thereon, 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, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //



TO
The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

+1 CC To MR.A.RAHUL, Advocate SR. NO. 76290
+1 CC To MR.D.SIVARAMAN, Advocate SR. NO. 76289

W.P. (MD) No.16855 of 2018
and
W.M.P. (MD) No.14889 of 2018
31.07.2018

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