



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.1059 of 2017

and

WMP (MD) No.894 of 2017

R.Sekar

... Petitioner

Vs.

1. The Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation, (Tirunelveli) Ltd,
Head Office, Tirunelveli Region,
K.T.C.Nagar, Tirunelveli Town.
3. The General Manager,
Tamil Nadu State Transport
Corporation, (Tirunelveli) Ltd,
Tamilraparani Head Office,
Tirunelveli Region, Vannarapettai,
Trivandrum Main Road, Tirunelveli Town.
4. The Branch Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd,
Shenkottai Branch, Shenkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Ka.No.10004/Niya11/Tha.A.Po.ka/Thili/2013 dated 12.12.2016 and Ka.No.10004/Niya11/Tha.A.Po.ka/Thili/2016 dated 03.01.2017 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to provide suitable alternative employment to the petitioner under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995, with pay protection



and continuity of service along with back wages within a time stipulated by this Court.

For Petitioner : Mr.M.M.Iqbal
For Respondents : Mr.K.Saravanan,
Government Advocate for R1
Mr.K.Sathiya singh
for R2 to R4

WEB COPY

ORDER

The petitioner is working as a Driver in the respondent corporation. According to the petitioner, he suffered a cardiac arrest and that he is unfit to continue as a Driver. He therefore wants alternative job to be provided to him. The petitioner invokes Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 in his favour.

2.The impugned order reads that as per medical report obtained by the management, the petitioner is fit to work as a Driver. Since there are conflicting medical reports, it will be just and proper to refer the petitioner to the third Medical Board.

3.The respondents are directed to refer the petitioner to the Central Medical Board, Rajiv Gandhi Government Hospital, No.1, Opposite to Central Railway Station, E.V.R Periyar Salai, Park Town, Chennai - 600 003 and after obtaining report from the said Medical Board take action and pass orders thereon. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

+1. CC to M/S.M.M.Iqbal, Advocate SR.No.53178
+1. CC to M/S.K.Sathiya Singh, Standing Counsel
for TNSTC SR.No.53448

**W.P(MD)No.1059 of 2017 and
WMP(MD)No.894 of 2017
06.03.2018**