



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2018

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 19309 of 2018

and

W.M.P. (MD) No. 17147 of 2018

M. Nandakumar

... Petitioner

Vs.

1. The Management of
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.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Ponnamaravathy Branch,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Driver and consequently direct the respondents to forthwith provide him an alternative employment with pay protection, continuity of service and back wages payable for the disengagement period ie., from 25.07.2018 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

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr. D. Sivaraman

**ORDER**

The Writ Petition has been filed praying to issue a Writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Driver and consequently direct the respondents to forthwith provide him an alternative employment with pay protection, continuity of service and back wages payable for the disengagement period ie., from 25.07.2018 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. On earlier occasion, when the matter was taken up for hearing, it is was represented by the learned counsel for the petitioner that even though the petitioner was ready to appear before the Medical Board, the petitioner will have to wait in the queue and that his turn may come after two months. Mr.K.Chellapandian, learned Additional Advocate General, informed the Court that he will instruct the Board to examine the petitioner and submit a report.

3. Today when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has been asked to appear before the Medical Board today ie., on 04.10.2018.

4. Since the relief sought for by the petitioner is very limited that the Medical Board will have to ascertain the physical fitness of the petitioner. Once the report is received from the Medical Board, the respondents are directed to consider the same and if the petitioner is not found to do the existing the job, he may provide an alternative job commensurate with status and also other consequential benefits, if any, provided the petitioner is eligible for the same.

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

Sd/-

Assistant Registrar (T&P)

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To

1.The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
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Pudukkottai Region,
Pudukkottai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Ponnamaravathy Branch,
Ponnamaravathy,
Pudukkottai District.

+1cc to Mr.A.Rahul, Advocate, Sr.No.89021.

+1cc to Mr.D.Sivaraman, Advocate, Sr.No.88643.

W.P. (MD) No.19309 of 2018
04.10.2018

mpk

RAM-NM/RP/SAR 1/05.12.2018/3P/6C