



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No. 24206 of 2017

and

WMP (MD) No. 20315 of 2017

D. Shanmugam

... Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd,
Nagapattinam Region,
Nagapattinam.

... Respondents.

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to refer the petitioner to the medical board of any Government hospital to ascertain his physical fitness to work as driver and to provide him suitable alternative employment with pay protection, continuity of service and back wages as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 payable from 31.10.2014.

For Petitioner : Mr. A. Rahul

For Respondents : Mr. D. Sivaraman

ORDER

The petitioner was working as a driver in the respondent corporation. He suffered paralytic attack in the year 2014. He is not unable to perform duty of driver as his limbs are paralysed. The petitioner initially wanted to be allotted an alternative work.

2. Now, the petitioner submits that he would offer to go on voluntarily retirement. The said submission appears to be reasonable. The petitioner is given time till 28.02.2018 to submit



his application to go on voluntary retirement. If such an application is submitted, the first respondent is directed to accept the same and relieve the petitioner from service. The first respondent shall also settle the retirement benefits payable to the petitioner within a period of three months therefrom.

3. This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (C.O)
/True Copy/

Sub-Assistant Registrar

+One cc to Mr.A.Rahul, Advocate, SR.No.43430

+One cc to Mr.D.Sivaraman, Advocate, SR.No.43423

skm
RL/3C/2P/SV/MMS/SAR4/23/2/2018

W.P (MD) No.24206 of 2017
and
WMP (MD) No.20315 of 2017

23.01.2018