

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16374 of 2019

S.Subhaschander

.. Petitioner

Vs.

1.Tamil Nadu State Transport Corporation,
Represented by its Managing Director,
Thiruvallur House,
Pallavan Salai, Chennai.

2.Tamil Nadu State Transport Corporation Limited,
Poonamallee Region,
Represented by its General Manager,
Poonamallee Bye Road,
Near Telephone Exchange,
Poonamallee - 600 056.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide alternative employment to the Petitioner (Employment No.D52943).

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.Natarajan

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to provide alternative employment to the Petitioner bearing Employment No.D52943.

2.The case of the petitioner is that he was temporarily appointed as driver on 14.08.2007 by the respondent. On completion of probation period, his service was regularized on 02.09.2009 and he was performing his duty appropriately without any negative remark. In the year 2017, the petitioner was affected with seizure disorder (neurological problem) and so he made a request to the Transport Corporation for an alternative employment. He was then referred to the Regional Medical Board for medical examination which affirmed that the petitioner has

seizure disorder (neurological problem). Thereafter based on the report of the Medical Board, an alternative employment as helper (Security Guard) was provided to the petitioner for a period of six months from 29.01.2018 and he was shifted from Anna Nagar Depot to Poonammalle Depot. All of the sudden, the second respondent had deputed the petitioner to the post of driver after six months and this was not communicated to the petitioner. Neither he was referred for Medical Examination nor the petitioner has been given any alternate employment suitable for his health condition which has rendered him loss. The petitioner has come out with the present Writ Petition with the above said prayer.

3.The learned counsel for the petitioner submitted that the petitioner suffered seizure disorder (neurological problem) and initially the petitioner was appointed as driver and due to this disorder he was unable to continue his work as driver. Hence he made a request to the Transport Corporation for an alternative employment and thus he was appointed as helper (Security Guard). All of a sudden, the second respondent had deputed the petitioner to the post of driver after six months. When a disability had taken place during the course of employment, the respondent cannot deny the petitioner of his legal right enshrined under Section 20 of the Rights of Persons with Disabilities Act, 2016. Even after exparte of six months, the respondent has to send the petitioner to the Medical Board for examination. Without conducting medical examination, the respondent denied alternative employment and further submitted that it would be suffice to issue direction to the first respondent to send the petitioner for Medical Examination.

4.The learned counsel appearing for the respondents submitted that this Court may issue a direction to the first respondent to send the petitioner to the Medical Board for getting the advice of the Medical Board and based on the advice of the Medical Board, appropriate orders will be passed.

5.Considering the facts and circumstances of the case, I am inclined to issue direction to the first respondent to send the petitioner to Medical Board for Medical Examination and thereafter pass appropriate orders based on the advice of the Medical Board.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

krk

To

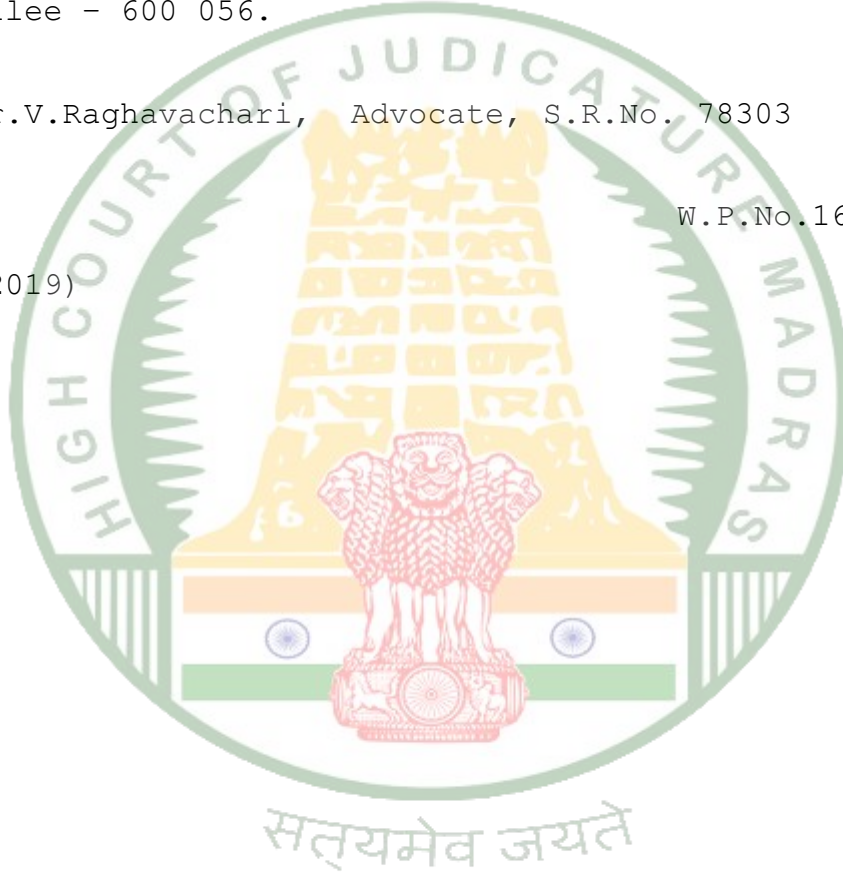
1.The Managing Director,
Tamil Nadu State Transport Corporation,
Thiruvallur House,
Pallavan Salai, Chennai.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Poonamallee Region,
Poonamallee Bye Road,
Near Telephone Exchange,
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+1cc to Mr.V.Raghavachari, Advocate, S.R.No. 78303

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GN(06/11/2019)



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