

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28612 of 2018

And

W.M.P.Nos.33392 and 33395 of 2018

S.Senroyan

.. Petitioner

Vs.

1.Government of Tamil Nadu,  
Represented by Secretary to Government,  
Municipal Administrative and Water Supply  
Department,  
Secretariat,  
Chennai-600 009.

2.The Director of Town Panchayats,  
Chennai-600 108.

3.The Executive Officer,  
Vatlagundu Town Panchayat,  
Vatlagundu,  
Dindigul District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to letter No.9113/Peru.1/2017-1 Municipal Administration and Water Supply Department, dated 16.6.2017, to quash the same and to issue consequential directions to the respondents to give alternate job to the petitioner preferably as Junior Assistant in the light of the provisions of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995, in view of his disability.

For Petitioner

: Mr.M.Ravi

For Respondents

: Mr.R.S.Selvam,  
Government Advocate.

## O R D E R

The order passed by the first respondent dated 16.6.2017, is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner was appointed as a Tractor Driver in Vatlagundu Town Panchayat, Dindigul District on 18.5.1998. The writ petitioner met with a road accident on 28.6.2011 and thereafter, he was not in a position to perform the duties and responsibilities of a Tractor Driver.

3. The writ petitioner states that he made an application, seeking an alternate employment under the provisions of the Disability Act.

4. The grievance of the writ petitioner is that the said application was not considered properly by the authorities concerned and therefore, he is constrained to move the present writ petition.

5. The learned Government Advocate, appearing on behalf of the respondents, opposed the said contentions of the learned counsel for the writ petitioner, by stating that the claim of the writ petitioner was rejected and there was no vacancy in the post of Junior Assistant in the same Unit. The writ petitioner has not produced the Disability Certificate issued by the competent authority required under Rule 4 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in order to approve his eligibility to file such Certificates. Based on the self declaration, the case of the writ petitioner cannot be considered.

6. This Court is of the considered opinion that the authorities competent are empowered to refer the writ petitioner for the Medical Assessment before the Competent Medical Board in the District Headquarters. The Competent Medical Board, on examination of the writ petitioner, may submit a report and based on the Medical Report, all suitable actions may be taken in accordance with the Rules in force.

7. This being the course to be followed by the authorities competent, the respondents need not rely on the self declaration or Medical Certificate provided by the writ petitioner and so also they need not predetermine the issue of their own.

8. Under these circumstances, the respondents are directed to refer the writ petitioner to the competent Medical Board of the District Headquarters Government Hospital and on receipt of the Medical Report/ opinion from the Medical Board, all further actions shall be taken with reference to the claim of the writ petitioner. Such an exercise shall be done by the respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Secretary to Government,  
Government of Tamil Nadu,  
Municipal Administrative and Water Supply  
Department,  
Secretariat,  
Chennai-600 009.
- 2.The Director of Town Panchayats,  
Chennai-600 108.
- 3.The Executive Officer,  
Vatlagundu Town Panchayat,  
Vatlagundu,  
Dindigul District.

+1cc to M/s.M.Ravi, Advocate sr.37910  
+1cc to Mr.R.S.Selvam, Advocate sr.no.36889

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nr 06/05/2019