



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P (MD) .No. 1936 of 2019

M. Sathyaseelan

: Petitioner

Vs.

1. The Tamilnadu State Transport

Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,

Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to forthwith provide the petitioner suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 14.10.2018 to till the date on which he is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, within the time frame fixed by this Court.

For Petitioner

: Mr.A. Rahul

For Respondents

: Mr.D. Sivaraman,
Standing Counsel

ORDER

This Writ Petition has been filed to forthwith provide the petitioner suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 14.10.2018 to till the date on which he is provided with alternative light duty, within the time frame fixed by this Court.

2. According to the petitioner, he is suffering from "vertebrobasilliar insufficiency" which is a condition, characterized by poor blood flow to the back portion of the brain. The petitioner was advised by Doctor, not to drive bus which may be dangerous to life of many passengers and also recommended that the petitioner may be re-employed in the office on alternative duty.

3. The further grievance of the petitioner is that he gave a representation, dated 06.09.2016 to the second respondent to refer him to the Medical Board and to provide alternative employment. The Medical Officer advised to provide him a suitable alternative employment. The petitioner gave another representation, dated



24.01.2017 to the first respondent seeking alternative employment. The first respondent has endorsed in the said representation directing the second respondent to refer him to the Medical Board and the said Medical Board, comprising of three Doctors of MGM Government Hospital, Trichy, after getting neurologist opinion, certified that the petitioner shall not drive the vehicle and he may be given alternative duty.

4. The further grievance of the petitioner is that the Assistant Manager (Personnel and Legal) of the respondents referred him to the Regional Medical Board of Rajiv Gandhi Medical College Hospital, Chennai by the proceedings dated 30.07.2018 and he was admitted as an in-patient from 03.09.2018 to 16.09.2018. The Institute of Neurology of Government General Hospital, Chennai certified that the petitioner is suffering from "noise induced vertigo, left vestibular dysfunction with PTA showing B/L sensory neural hearing loss". Based on the above medical reports, the petitioner was provided with an alternative employment from 13.10.2017 to 13.10.2018 for one year, but the alternative duty was stopped from 14.10.2018. Aggrieved by the same, the present writ petition is filed by the petitioner.

5. At this juncture, the learned standing counsel appearing for the Transport Corporation has submitted a copy of the proposal of the General Manager, Trichy Region, dated 08.03.2019. In the aforesaid proposal, it is stated that based on the report submitted by the Rajiv Gandhi Government General Hospital, Chennai that "presently he is unfit for driver job and he is advised re-assessment after six months" the Transport Corporation has provided alternative employment to the petitioner, for a period of six months and thereafter, the petitioner's health condition will be re-assessed by the District Medical Board.

6. In view of the above, this Court directs the petitioner to approach the Transport Corporation for payment of wages from 14.10.2018 to till date of joining of the duty and the same shall be considered by the Transport Corporation as early as possible. The Letter of the Transport Corporation dated 08.03.2019 shall form part of the records.

7. With the above directions, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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To

1. The Managing Director,
The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-71523[F] dated 26/06/2019)

+1 CC to Mr.A.RAHUL, Advocate (SR-71412[F] dated 26/06/2019)

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