



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 4568 of 2019 and
W.M.P(MD).No. 3655 of 2019

S. Murugesan

... Petitioner

Vs.

1. The Management of Tamil Nadu
Stat Transport Corporation (Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 14.11.2018 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 a time framed stipulated by this Court.

For Petitioner : Mr.A. Rahul

For Respondents : Mr. S. Sivaraman,
Standing Counsel

ORDER

This Writ Petition has been filed seeking direction to 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 14.11.2018 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 a time framed stipulated by this Court.



2. The learned counsel appearing for the petitioner would submit that the petitioner was suffered disablement from the date of accident on 01.11.2018. The District Disabled Welfare Officer, Pudukottai has certified that the petitioner was suffering from 80% disability. The petitioner has made representations dated 28.01.2019, 02.02.2019 and 16.02.2019 to the respondents seeking to provide him alternative employment. But, the petitioner has not been assigned with any work from 14.11.2018. Hence, the present writ petition is filed by the petitioner before this Court.

3. The learned Standing counsel appearing for the respondents would submit that the petitioner has appeared before the Medical Board and the Board has submitted a report to the Transport Corporation by stating that the '*petitioner is unfit for the post of Conductor*'. He would further submit that based on the medical report, dated 20.05.2019 the Management is taking necessary steps to provide alternative employment to the petitioner.

4. Recording the abovesaid submission and in the interest of justice, this Court is inclined to pass the following directions:

1. The Transport Corporation shall send a communication to the petitioner for his appearance before the State Level Medical Board within a period of One (1) week, from the date of receipt of copy of the order.
2. On receipt of the said communication, the petitioner shall appear before the State Level Medical Board and produce the necessary documents available with him.
3. On receipt of the report from the State Level Medical Board, the respondents are directed to pass appropriate orders on merits and in accordance law, within a period of Two (2) weeks, thereafter.
4. It is open to the petitioner to approach the Transport Corporation for making payment of salary from 14.11.2018 to till date, on which, he was provided with alternative employment and the same shall be considered by the Transport Corporation in accordance with law as expeditiously possible.

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

Sd/-

Assistant Registrar (A.S)

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To

1. The Management of Tamil Nadu
Stat Transport Corporation (Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

+1 CC to Mr.A.RAHUL, Advocate SR-71410.

+1 CC to Mr.D.SIVARAMAN, Advocate SR-71522.

W.P (MD) No. 4568 of 2019

CS (25.07.2019) 3P 5C