

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.03.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)No.5229 of 2019
and W.M.P(MD)No.4176 of 2019

V.Mathiyalagan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Secretariat,
Fort St. George, Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kulithalai Branch, Karur Region,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 2 to 4 to provide suitable alternative light work/desk work to the petitioner on permanent basis in the fourth respondent Branch of the second and third respondents at Kulithalai Branch, Karur Region based on the medical report of the Medical Board, Government Medical College Hospital, Karur on 24.01.2018 with pay protection, other attendant benefits, continuity of service and all other attendant benefits and arrears of the salary from February, 2018 to till date to the petitioner in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



For Petitioner : Mr.N.Sudhagar Nagaraj

For R - 1 : Mr.S.Angappan,
Government Advocate.

For RR 2 to 4 : Mr.D.Sivaraman

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ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents 2 to 4 to provide suitable alternative light work/desk work to the petitioner based on the medical report of the Medical Board, dated 24.01.2018 with pay protection and other benefits etc., to the petitioner in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.Heard the learned counsel appearing for the petitioner; the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4.

3.The grievance of the petitioner is that he was appointed as a Driver in the second respondent Corporation and due to his ailments, he has been taking treatment from the year 2017 and he could not attend the duty of Driver. Hence, the third respondent referred the petitioner to the Medical Board, which in turn, certified that he is unfit to work as a Driver. Hence, seeking alternate light work, the petitioner sent a representation to the respondents on 04.01.2019. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.

4.The learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4 submitted that since the certificate issued by the Medical Board is dated 24.01.2018, the respondents requires the petitioner to appear before the Medical Board once again so as to ascertain his fitness in driving the vehicle.

5.In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the petitioner to appear before the Medical Board, as directed by the respondents, on the date and time to be fixed by the respondents and on receipt of such medical report, the second respondent is directed to consider the claim of the petitioner by considering his representation, dated 04.01.2019 and pass appropriate orders on <https://hmc.judiciary.gov.in/hiservices> in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of four weeks from the date of receipt of the



medical report.

6.The Writ Petition stands disposed of in the above terms. No costs. consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Fort St. George, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kulithalai Branch, Karur Region,
Karur District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-57428[F] dated
28/03/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-57484[F] dated
28/03/2019)

PS

W.P (MD) No. 5229 of 2019
27.03.2019