



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.5576 of 2019

and

W.M.P. (MD) No.4399 of 2019

M.Kannan

... Petitioner

vs

The General Manager,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Dindigul.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to refer the petitioner to Medical Board for find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.A.Jeyaram
Standing Counsel

ORDER

The Writ Petition is filed seeking a direction to the respondent to refer the petitioner to Medical Board to find out his disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits 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 and the learned Standing Counsel, who takes notice for the respondent. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was appointed as a driver in the respondent Corporation from 30.03.2013. While he was in duty, he was suddenly suffered with paralytic attack in his right hand and right leg. Hence, he sent a detailed representation on 31.01.2019 to the respondent requesting to send him to the Medical Board to find out the medical fitness and to provide him a suitable alternative employment. Since no action is forthcoming, the present



Writ Petition has been filed by the petitioner.

4. The learned Standing Counsel appearing for the respondent would submit that the representation of the petitioner would be considered on merits within a time frame as fixed by this Court.

5. Considering the nature of relief as sought for by the petitioner, without going into the merits of the petitioner's case, the respondent is directed to consider the representation of the petitioner dated 31.01.2019 and pass appropriate orders on merits for referring the petitioner to the Medical Board and also in the light of the disability certificate to be produced by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

The General Manager,
The Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Dindigul.

+1cc to Mr.G.M.Xavier, Advocate, SR.No. 53803

W.P(MD) No.5576 of 2019

SSL

KK/SAR/16.04.2019/ 2P- 3C