



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 559 of 2019 and
W.M.P(MD).No. 451 of 2019

WEB COPY

P. Mahendran : 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,
Kumbakonam Region.

: Respondents

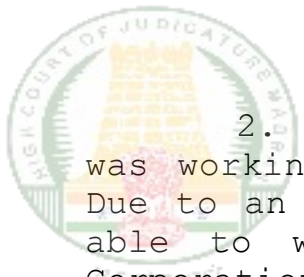
PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to refer the petitioner to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Conductor and consequently direct the respondents to provide the petitioner suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 10.11.2018 to till the date on which the petitioner is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, within a time frame fixed by this Court.

For Petitioner
For Respondents

: Mr.A. Rahul
: Mr.D. Sivaraman,
Standing Counsel

ORDER

This Writ Petition has been filed seeking direction to the respondents to refer the petitioner to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Conductor and consequently direct the respondents to provide the petitioner suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 10.11.2018 to till the date on which the petitioner is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, within a time frame fixed by this Court.



2. The grievance of the petitioner is that the petitioner was working as Conductor under the first respondent corporation. Due to an accident, the petitioner was disabled and he could not able to work as Conductor in the first respondent Transport Corporation. Hence, the petitioner was provided an alternative job as Cashier, with effect from 24.12.2016 and subsequently, the alternative post was stopped from 10.11.2018. Therefore, the petitioner has filed the present writ petition before this Court for providing alternative job to the petitioner.

3. The learned learned Standing counsel appearing for the respondents would submit that the petitioner's health condition has improved and now the petitioner came to normal health condition and by considering the health condition of the petitioner, the first respondent Corporation has assigned duty as Conductor in the first respondent Transport Corporation. Hence, the present Writ Petition is not maintainable.

4. Considering the submission made by the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents, the learned counsel appearing for the petitioner has stated that the petitioner is ready to appear before the District Medical Board and based on the report, the first respondent Transport Corporation shall take a decision to provide an alternative employment to the petitioner in the Transport Corporation.

5. Taking note of the facts and circumstances and in view of the aforesaid submissions, pursuant to the petitioner was affected by head injury in road accident while he was on duty and the petitioner was disabled in the aforesaid accident. But, admittedly, the first respondent has provided the alternative job to the petitioner and subsequently, without any reason, the petitioner has been reassigned to Conductor in the first respondent Transport Corporation. Now, the grievance of the petitioner is that he is not able to work as Conductor in the bus. In the interest of Justice, this Court shall pass the following directions:

(i). The petitioner shall appear before the District Medical Board, within a period of Two (2) weeks, from the date of receipt of copy of the order.

(ii). The first respondent Corporation is directed to send a communication to the Rajiv Gandhi Government General Hospital at Chennai for referring the petitioner to the Medical Board.

(iii). On receipt of the said communication by the Dean, Rajiv Gandhi Government General Hospital, Chennai is directed to send a communication to the petitioner to appear before the Medical Board.

<https://hcservices.ecourts.gov.in/hcser005/> receipt of the said communication from the Dean, the petitioner is directed to appear before the Medical Board and co-operate with the Medical Board.



(v). On receipt of the report from the Medical Board, the respondents are directed to pass an appropriate orders on merits and in accordance law.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

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

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

+ 1 CC TO Mr.A.Rahul, ADVOCATE IN SR No.71411

+ 1 CC TO Mr.D.Sivaraman, ADVOCATE IN SR No.71519

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