



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. 6902 of 2019  
and W.M.P.(MD) No. 5499 of 2109

T. Tamilselvan : 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.

3. The Branch Manager,  
Tamilnadu State Transport  
Corporation (Kumbakonam) Limited,  
RC Unit, Thuvakudi, 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 provide suitable alternative employment to the petitioner at RC Unit, Thuvakudi, Trichy of the first respondent corporation with pay protection, continuity of service and back wages from the date of disengagement i.e., from 22.12.2018 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 frame fixed by this Court.

For Petitioner  
For Respondents

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

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**ORDER**

This Writ Petition has been filed by the petitioner seeking direction to the respondents to provide suitable alternative employment to the petitioner at RC Unit, Thuvakudi, Trichy of the first respondent corporation with pay protection, continuity of service and back wages from the date of disengagement i.e., from



22.12.2018 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 frame fixed by this Court.

2. The grievance of the petitioner is that the petitioner was put in 22 years of service as Driver in the Transport Corporation. As per advise of the Doctors the petitioner underwent eye surgeries in both of his eyes on 10.11.2015 and 08.01.2016 respectively; at A.G. Eye Care Hospital, Trichy and the said hospital certified that the petitioner has defective eye vision apart from colour vision defect and he is not fit for driving.

3. The further grievance of the petitioner is that by proceedings dated 14.04.2016, the second respondent has referred the petitioner to the Aravind Eye Hospital, Madurai and the said hospital also issued a report dated 19.05.2016 certified that the petitioner was suffering from colour vision defect. Thereafter, the petitioner was referred to the Government Medical College and Mahatma Gandhi Memorial Hospital by proceedings, dated 20.10.2016 for further examination and the Medical Board of the said hospital by its report, dated 22.12.2016 certified that the petitioner was unfit to be a driver and may be given alternate employment. By proceedings, dated 30.07.2018, the petitioner was further referred to the Government Eye Hospital, Egmore, Chennai and the Medical Board of the said hospital sent its report to the second respondent in the month of January 2019. Based on the above medical reports, the petitioner was given alternative employment as Helper in the RC Unit, Thuvakudi, Trichy from 04.03.2016. The said duty was stopped by oral order with effect from 22.12.2018 and the petitioner's salary was also stopped. Aggrieved over the same, the instant writ petition is filed.

4. The learned standing counsel appearing for the respondents has placed a proposal dated, 08.03.2019. In the aforesaid proposal, the Transport Corporation has stated that the petitioner was provided alternative job for one year. He further stated that subsequently, based on the reports of the Medical Board the second respondent has granted further one year to the petitioner. Thereafter, appropriate orders will be passed based on the medical report for the next year.

5. Recording the aforesaid submissions made by the learned counsel appearing for the respondents and in the interest of justice, this Court shall pass the following directions:

1. The Transport Corporation shall provide a suitable alternative job to the petitioner in the light of the medical reports issued by the Medical Board.

2. This Court directs the petitioner to approach the Transport Corporation for payment of any arrears of salary from



22.12.2018 till the date on such request is made by the petitioner and the same shall be considered by the Transport Corporation as early as possible.

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

Sd/-

Assistant Registrar (CS-II)

// 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,  
Trichy Region, Trichy.
3. The Branch Manager,  
Tamilnadu State Transport Corporation (Kumbakonam) Limited,  
RC Unit, Thuvakudi, Trichy.

+1cc to Mr.A.Rahul, Advocate in SR.71415

+1cc to Mr.D.Sivaraman, Advocate in SR.71521

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