



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.7073 of 2019

and

WMP (MD) No.5670 of 2019

A.Manikandan

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road, Madurai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Chekkanoorani Branch,
Madurai.

4.The Dean,
Government Rajaji Hospital,
Madurai.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 3 to provide suitable alternative light duty with pay protection continuity of service and back wages for the period from 18/02/2019 to till date the petitioner will be provided with alternative light duty as per section 47(1) of persons with Disabilities (Equal Opportunities protection of Right and Full Participation) Act, 1995 based on the 4th respondent medical report and consider the petitioner's representation dated 07/12/2018.

For Petitioner	: Mr.A.MU.Sharavanan
For R1 to R3	: Mr.A.Jayaram
For R4	: Mrs.J.Padmavathi Devi, Special Government Pleader

**ORDER**

Seeking a direction to the respondents to provide an alternative employment with pay protection, continuity of service and back wages etc., the petitioner is before this Court.

2. Heard the learned counsel for the petitioner; the learned Special Government Pleader for the fourth respondent and the learned Standing Counsel for the respondents 1 to 3. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that he is now working as a Conductor in the third respondent Corporation and during the course of employment he met with an accident, due to which, his right side shoulder had dislocated. Hence, seeking light duty as per section 47 (1) of persons with Disabilities (Equal Opportunities protection of Right and Full Participation) Act, 1995, the petitioner made a representation dated 07.12.2018 to the respondents. Since no orders have been passed till date, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the fourth respondent and the learned Standing Counsel for the respondents 1 to 3, on instructions, submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 07.12.2018, seeking alternative employment and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. While doing such an exercise, if the respondents think it necessary, the petitioner shall be referred to Medical Board to assess the disability, suffered by him.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.5670 of 2019 is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS)

mj



To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye-pass Road, Madurai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Chekkanoorani Branch,
Madurai.

4.The Dean,
Government Rajaji Hospital,
Madurai.

1CC TO MR. A.M.SHARAVANAN,ADVOCATE SR 56605
1CC TO THE SPL GOVT PLEADER SR 57167

KK
22/04/2019
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W.P.[MD].No.7073 of 2019

26.03.2019