



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.7068 of 2019

and

W.M.P. (MD) No.5669 of 2019

S.Karuppasamy

... Petitioner

vs.

1) The Managing Director,
Tamil Nadu State Transport
Corporation Tirunelveli Limited,
Tirunelveli.

2) The General Manager,
Tamil Nadu State Transport
Corporation(Tili Limited),
Tirunelveli Division,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to provide alternative job to the Petitioner by considering the Medical certificate dated 06.03.2019 issued by the Medical Board attached to the Kanyakumari Government Medical College, Hospital Asaripallam, Nagercoil and further direct the respondents to disburse the wages from 19.08.2018 to till the date of reinstatement and to provide alternative job.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Sathiya Singh,
Standing Counsel

O R D E R

The petitioner, who was employed as a Driver in the respondent Corporation from the year 2007 onwards, is undergoing medical ailment for 'Acromioclavicular Arthritis' and therefore, he sought for an alternate job under the respondent Corporation. He was also referred to the Medical Board which had ratified that the petitioner was unfit to perform the duty as a Driver. Since his request for an alternate job made in his representation dated 06.03.2019 was not considered in time, the present writ petition has been filed.



2. Today when the matter was called, the learned standing for the Corporation submitted that the petitioner's case was considered by the Board of Directors and as per their resolution, it was resolved to provide an alternative employment to the petitioner among others in the light of Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and full Participation) Act, 1995. In view of the decision taken by the Board of Directors of the respondent Corporation, the petitioner herein may not have any further grievance.

3. In the light of the above observations, there will be a direction to the second respondent herein to pass appropriate orders on the petitioner's representation dated 06.03.2019 and thereby provide him with an alternate employment pursuant to the resolution passed by the Board of Directors atleast within a period of two(2) weeks from the date of receipt of a copy of this order. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.5669 of 2019 is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

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To

1) The Managing Director,
Tamil Nadu State Transport
Corporation Tirunelveli Limited,
Tirunelveli.

2) The General Manager,
Tamil Nadu State Transport
Corporation(Tili Limited),
Tirunelveli Division,
Tirunelveli.

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-103928[F] dated 06/12/2019)

Order made in

W.P. (MD) No.7068 of 2019

Dated:

05.12.2019