



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.16541 of 2019

WEB COPY

C.Baskar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kantharvakottai Branch,
Pudukkottai.

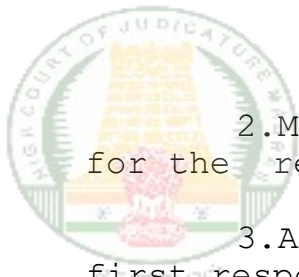
... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to take necessary action on the basis of the petitioner's representation dated 28.06.2019 with regard to provide alternative employment as light duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955 and consequently, direct the second respondent to pay wages and all other attendant benefits for the period, within the time limit that may be fixed by this Court.

For Petitioner	: Mr.D.Anbarasu
For Respondents	: Mr.P.Balasubramanian
	Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to take necessary action on the basis of the petitioner's representation dated 28.06.2019, by providing an alternative employment as light duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955 and also a consequential direction to the second respondent to pay wages and all other attendant benefits for the period, within the time limit to be fixed by this Court.



2.Mr.P.Balasubramanian, learned Standing Counsel takes notice for the respondents.

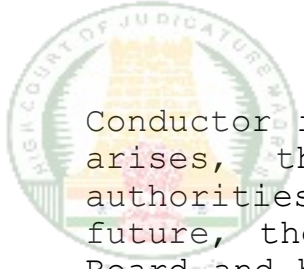
3.According to the petitioner, he joined the service of the first respondent Corporation as a reserve driver at Pudukkottai Town Branch with effect from 11.12.2007 and his service has been regularized by the second respondent, vide his proceedings dated 21.06.2010. Due to colour blindness, the respondent Corporation sent him to the Medical Board at Chennai and received a report from them that he is unfit for driving. Subsequently, the Assistant Manager sent a letter to the third respondent on 06.07.2018, instructing him not to provide the driver job to the petitioner. Hence, the petitioner sent a letter to the second respondent on 01.08.2018 to provide an alternative employment to him.

4.Thereafter, he made several representations to the respondents, but they did not take any positive action. Subsequently, the petitioner sent a letter to the respondent Corporation to provide alternative employment, based on which, he was called for training for the post of Conductor from 27.04.2019 to 11.05.2019. The petitioner also went to the said training, but due to his disease, he could not complete the training fully and he is unable to serve the tickets in a proper manner. Hence, again, he made a representation to the respondent Corporation to consider him for alternative employment. But, the same was orally rejected by the respondent Corporation and the second respondent, vide his proceedings dated 19.06.2019, directed the petitioner to get order from their office and join as a Conductor. After receiving the same, the petitioner sent a letter to the respondents and gave explanation to them to provide alternative light duty on 28.06.2019, but the same was not considered so far. Hence, the present Writ Petition.

5.The learned Standing Counsel appearing for the respondents submitted that based on the request of the petitioner, the respondent Corporation provided alternative employment to him as a Conductor in the respondent Corporation. Now, he made another request that he is unable to work as Conductor. There is no medical report available to explain the grievance of the petitioner and therefore, the petitioner's request was considered based on the medical report available and alternative employment was also given.

6.Perusal of the record shows that the petitioner has already made a request to the respondent Corporation to provide alternative employment and based on his request only, the second respondent has passed an order dated 19.06.2019, directing him to appear before the Regional Office and obtain the appointment order. Now, the petitioner has made another request that he is unable to do the Conductor work and sought alternative light duty.

7.This Court is not inclined to accept the contention of the petitioner and the petitioner is directed to join duty as a



Conductor in the respondent Corporation and in future, if necessity arises, the petitioner has to make a representation to the authorities concerned. If any such representation is received in future, the respondent Corporation shall refer him to the Medical Board and based on the report of the Medical Board, the respondents have to take a decision. As of now, no *prima facie* case has been made out by the petitioner to entertain the Writ Petition.

8.This Writ Petition is dismissed with the above direction and observation. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

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Kantharvakottai Branch,
Pudukkottai.

+1 CC to Mr.D.ANBARASU, Advocate (SR-77444[F] dated 25/07/2019)

W.P. (MD) No.16541 of 2019
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