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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.08.2019**

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.16640 of 2019
and
W.M.P.(MD) No.13269 of 2019

J.Antony Raj Baskar ...Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
represented by its General Manager,
Tirunelveli. ...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refer the petitioner to the Medical Board for find out the petitioner's disability and to provide him a suitable alternative permanent employment with pay protection, continuity of service, back wages and all other attendant benefits in accordance with Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : M/S.X.Sumalatha
For Respondent : Mr.K.Sathiyasingh
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondent to refer the petitioner to the Medical Board for find out his disability and to provide him a suitable alternative permanent employment.

2.Mr.K.Sathiyasingh, learned Standing Counsel takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was working as Driver in the respondent Corporation. Due to ill-health, firstly, he had taken treatment in a private hospital at Madurai and secondly, he had

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taken treatment in Meenakshi Mission Hospital & Research Center as in-patient from 09.04.2019 to 20.04.2019. Thereafter, by stating the treatment given to him and his disability, he sent a representation dated 06.07.2019 along with medical certificates to the respondent, requesting to sent him to the Medical Board to find out the medical fitness. But, so far no action has been taken till date. Hence, the petitioner is before this Court for the relief stated supra.

4.The learned Standing Counsel appearing for the respondent would submit that the petitioner's representation dated 06.07.2019 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Considering the facts and circumstances of this case and in view of the submission made by the learned Standing Counsel, this Court is inclined to pass the following orders:

i) *the respondent is directed to send a communication to the petitioner to refer him before the Medical Board to find out his disability for providing the light duty, within a period of six weeks from the date of receipt of a copy of this order;*

ii) *the respondent is also directed to pass appropriate orders on the claim of the petitioner with regard to provide the light duty, after receiving the medical report from the Doctor concerned, in accordance with law as expeditiously as possible; and*

iii) *the petitioner is directed to co-operate for the same;*

6.With the above directions, this 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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+1CC TO MR.K.SATHIYA SINGH, Advocate Sr. No.79613
+1CC TO MR.G.M.XAVIER, Advocate Sr. No. 79747

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