



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD) No.16886 of 2019

and

W.M.P. (MD) No.13471 of 2019

G.K.Pandi

.. Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) ltd.,
Dindigul Region,
Bypass Road,
Dindigul.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to refer the petitioner to Medical Board for find out his disability and to provide him a suitable alterntive permanent employment with pay protection, continuity of Service, Back wages and all other attendant benefits in accordance with Section 47 (1) of the Pensions with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner

: Mr.G.M.Xavier

For Respondent

: Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This Writ Petition has been filed to direct respondent to refer the petitioner to the Medical Board for find out his disability and to provide him a suitable alterntive permanent employment with pay protection, continuity of Service, Back wages and all other attendant benefits.

2. J.Senthil Kumaraiah, learned Standing Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was working as Conductor in the respondent Corporation. Due to ill-health, firstly, he had taken treatment in the Government Headquarters Hospital, Usilampatti and secondly, he had taken treatment in a private



hospital for a period of six months ie., from 25.03.2018 to 24.09.2018 as in-patient. Thereafter, by stating the treatment given to him and his disability, he sent a representation dated 06.09.2016 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 06.09.2016 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 refer the petitioner to the Rajeev Gandhi Government Hospital, Chennai, to find out his disability for providing the light duty, within a period of eight weeks from the date of receipt of a copy of this order; and

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

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate SR-79093.

+1 CC to Mr.G.M.XAVIER, Advocate SR-79152.

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