



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

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WP (MD) No. 20299 of 2017 and
WMP (MD) No. 16572 of 2017

A. Alphonse

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Rep. by its Managing Director,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Thoothukudi Region,
Thoothukudi.

3. The Branch Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kovilpatti Branch,
Kovilpatti,
Tuticorin District.

... Respondent

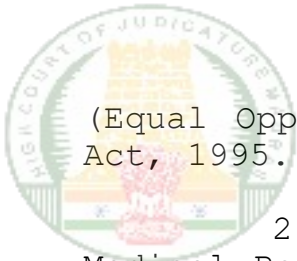
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide the petitioner suitable alternative employment in the Kovilpatti Branch, Tirunelveli Region of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., with pay protection, continuity of service and back wages payable from the date on which the petitioner was denied duty on account of his disability as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr. A. Rahul

For Respondents : Mr. R. Sathya Singh
Standing Counsel

ORDER

This Writ Petition has been filed for issuing a direction to the respondents 1 to 3 to provide the suitable alternative employment to the petitioner in the Kovilpatti Branch, Tirunelveli Region of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., with pay protection, continuity of service and back wages payable from the date on which the petitioner was denied duty on account of his disability as per Section 47(1) of Persons with Disabilities



(Equal Opportunities, Protection of Rights and Full Participation)
Act, 1995.

2. According to the petitioner, he has appeared before the Medical Board and the Medical Board has also submitted a report by stating that the petitioner is temporarily un-fit for the post of Driver in the Transport Corporation. Despite the same, the respondent / Corporation has not provided any alternative employment. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

3. The learned Standing Counsel appearing for the respondent placed a letter, dated 30.07.2019 issued by the Deputy Manager, Thirunelveli Region informing the petitioner that he has to appear before the Branch Manager, Kovilpatti, for providing an alternative employment i.e., light duty to him. He would further submit that recording the same the Writ Petition may be disposed of.

4. Recording the above said submission made by the learned Standing Counsel appearing for the respondent / Corporation, this Writ Petition is disposed of. However, it is made clear that the alternative employment is only temporary and the same will be reviewed by the respondent / Corporation subject to the report of the Medical Board.

5. In the meantime, the learned counsel appearing for the petitioner made a request to the authority that the representation of the petitioner for non working period of the petitioner i.e., from 02.08.2017 to till date may be considered by the respondent / Corporation. Hence, the respondent / Corporation shall consider the representation of the petitioner on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelvlei.

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



3.The Branch Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kovilpatti Branch,
Kovilpatti, Tuticorin District.

WEB COPY

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-80530[F] dated
08/08/2019)

+1 CC to Mr.A.RAHUL, Advocate (SR-80807[F] dated 08/08/2019)

WP(MD)No.20299 of 2017 and
WMP(MD) .No.16572 of 2017
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trp

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