

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6218 of 2017

Kalesha Basha

..Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.3, 3/137, Salamedu, Vazhudhar Reddy Post,
Villupuram - 605 602.
 2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram Division,
Kancheepuram.
- ...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to provide light duty to the petitioner in pursuance of the rights of persons with disabilities Act, 2016, pending the outcome of Medical Board decision of the respondents.

For Petitioner : Mrs.S.Thamizharasi

For Respondents : Mr.C.S.K. Sathish

ORDER

This writ petition has been filed by the petitioner seeking for a direction to the respondents to provide light duty to the petitioner in pursuance of the rights of persons with Disabilities Act, 2016, pending the outcome of Medical Board decision of the respondents.

2. According to the petitioner, he was working as Conductor in the respondent/Corporation from 29.07.1997. On 21.08.2010, while he was on duty as a Conductor he met with an accident, ultimately, he had a blood clot in his brain and undergone surgery. Based on the health condition, he made a representation to the respondents to provide him with light duty, but the respondents/Corporation have not considered the same. Thereafter, he has filed a writ petition in W.P.No.5608 of 2014 and the same was allowed by directing the respondent

to consider the petitioner's representation, but the respondent has not passed any order so far. On 16.10.2015, he made a representation to the second respondent and the second respondent directed the petitioner to attend Villupuram Head Office Medico Legal Cell for medical examination. Thereafter, he attended before the Medical Board on 24.02.2016 and was referred to take brain CT scan in Rajiv Gandhi Government Hospital and report the same before the Medical Board of Kancheepuram Government Hospital. He had appeared before the Medical Board of Kancheepuram Government Hospital. After his examination, the petitioner came to know that in his reference letter instead of stating "CT Brain Scan", it was stated as "Spinal Card". Thereafter, they suggested him to get a letter for "Brain CT Scan" ailment from Kancheepuram Office and directed the petitioner to appear before the Board once he received it. In spite of strenuous effort, he could not get that letter till date. Therefore, he has come forward with the present writ petition.

3. Now, the learned counsel for the petitioner would submit that the petitioner is ready and willing to appear before the Medical Board.

4. The learned counsel appearing for the respondent/Corporation would submit that a communication has been sent to the petitioner for appearing before the Medical Board and also the petitioner counsel has agreed on the said submission of the respondent/Corporation.

5. Further, the learned counsel appearing for the respondents would submit that the petitioner has not appeared before the Medical Board as already directed by the respondent/Corporation.

6. Since the learned counsel for the petitioner as well as the respondents have agreed that on receipt of the communication for appearing before the Medical Board, the petitioner undertakes to appear before the Board, based on the report to be submitted by the Medical Board, the respondent will take appropriate decision as expeditiously as possible.

7. Recording the aforesaid submission of the parties concerned, this Court is inclined to pass the following order:-

(i) The respondent/Corporation shall communicate to the petitioner intimating the date of appearance before the Medical Board to obtain Disability Certificate from the Medical Board in the prescribed format.

(ii) On receipt of such communication from the respondent/Corporation, the petitioner shall appear before the Medical Board.

(iii) The Medical Board shall furnish a copy of the report to the respondent/Corporation and to the writ petitioner.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

msm

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.3, 3/137, Salamedu, Vazhudhar Reddy Post,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram Division,
Kancheepuram.

+1cc to Mrs.S.Thamizharasi, Advocate SR.No.15529

+1cc to Mr.C.S.K. Sathish, Advocate SR.No.15770

W.P.No.6218 of 2017

RR(CO)
GMY(11/06/2020)

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