

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5777 of 2021

and

W.M.P.Nos.6372 & 6373 of 2021

(Heard through VC)

R.Manickam

.. Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

2.The General manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to provide the petitioner with permanent alternative light duty employment in the cadre equal to the post of Driver with pay protection, continuity of service and all other attendant benefits as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 after ascertaining his visual fitness impairment status to continue or not in the post of Driver by subjecting/referring him to the Medical Board.

For Petitioner : Ms.S.Girija

For Respondents: Mr.D.Raghu

ORDER

The petitioner has come forward with this writ petition seeking a direction to the respondents to provide alternative employment in the cadre equal to the post of Driver with pay protection, continuity of service and all other attendant benefits as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016, after ascertaining his visual fitness impairment status by subjecting/referring him to the Medical Board.

2. Mr.D.Raghu, learned counsel takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner was examined by Aravind Eye Hospital, Madurai and in the Medical Report, it has been stated as follows:

"Unexplained vision loss. Needs neuroimaging to rule out cortical visual impairment".

5. The aforesaid report of the Aravind Eye Hospital cannot be taken lightly, as a clear eye vision is absolutely necessary to the driver of any vehicle. However, it is for the Medical Board to consider the fitness of the petitioner on due examination. Hence, the petitioner is directed to appear before the Medical Board on or before 31.03.2021 and the Medical Board, after examining the petitioner, shall furnish a report to the respondents in order to enable them to take a decision. In case, the petitioner is unfit to be posted as Driver, he shall be given an alternate post with pay protection or create supernumerary post to accommodate him. It is not advisable to have a driver with visual impairment, which is not only dangerous to him, but also to the passengers travelling in the vehicle.

6. The respondents shall take a decision on the Medical report within a period of one month from the date of receipt of the report and communicate the same to the petitioner.

7. With the above directions, the writ petition is ordered. Consequently, the connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

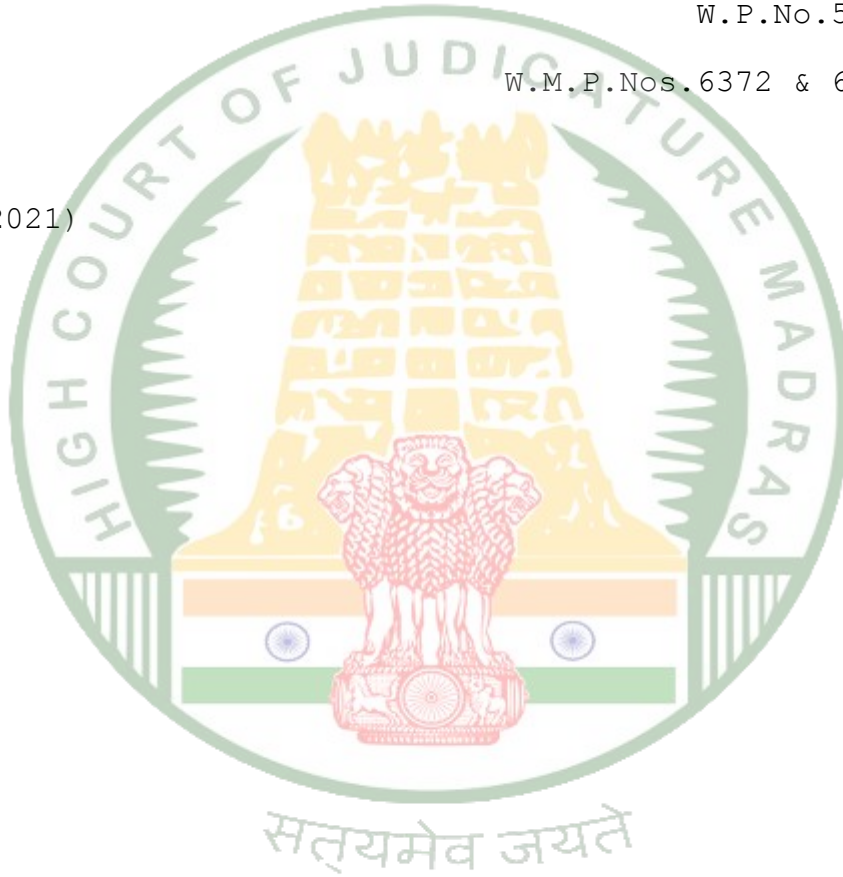
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+1 CC to Mr.D.Raghu, Advocate sr 14946.
+1 CC to Ms.S.Girija, Advocate sr 14937.

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SP(18/03/2021)



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