



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8423 of 2021

and

W.M.P(MD)No.6359 of 2021

WEB COPY

J.Prabakaran

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
T.Kallupatti Branch,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to provide alternate employment with the same pay scale and service benefits in accordance with the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.J.Senthil Kumariah

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondent to provide alternate employment with the same pay scale and service benefits, in accordance with the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.According to the petitioner, he joined as a Driver in the respondent Corporation in the year 1995. While he was in service, on 13.09.2020, his right hand and leg did not function and he was admitted in Velammal Medical College Hospital and Research Institute and took treatment as inpatient for 5 days. The petitioner gave a representation, dated 02.12.2020, with medical certificate to the respondent to refer him to the Medical Board and to give him light work. No order was passed on the said representation. Hence, the petitioner sent another representation, dated 29.12.2020, requesting the respondent to refer him to the Medical Board. The respondent has not passed any order and did not pay the salary from 03.01.2021. Hence, the petitioner has come out with the present Writ Petition.



4.Mr.J.Senthil Kumariah, learned counsel appearing for the respondent submitted that the petitioner will be referred to the Medical Board and based on the report of the Medical Board, the petitioner will be given alternate work.

5.The learned counsel appearing for the petitioner submitted that the petitioner was not issued any order to appear before the Medical Board, but, the petitioner was orally informed that he has to appear before the Rajiv Gandhi Government General Hospital, Chennai and the same was sent to the petitioner's Mobile number through Whatsapp without fixing the date.

6.From the materials available on record, it is seen that the petitioner has suffered from Acute Stroke of Left MCA territory and the Doctor issued certificate that he is not fit to drive the vehicle. Based on the said report, the petitioner requested the respondent to refer him to the Medical Board and allot him light work. In this regard, the petitioner also gave representations, dated 02.12.2020 and 29.12.2020.

7.From the submissions of the learned counsel appearing for the petitioner and the respondent, it is seen that the petitioner was informed to appear before the Rajiv Gandhi Government General Hospital, Chennai and the respondent has not fixed the date for appearance before the Medical Board and the petitioner is residing at Madurai.

8.Taking into consideration the present Covid -19 pandemic situation and also considering the materials available on record, the respondent is directed to refer the petitioner to the Medical Board at Government Rajaji Hospital, Madurai and fix the date for his appearance and based on the report of the Medical Board, allot duty to the petitioner, by considering the representations of the petitioner, dated 02.12.2020 and 29.12.2020, within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

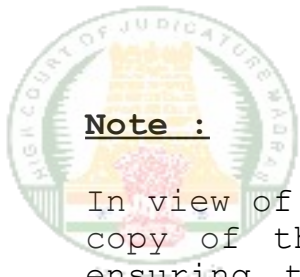
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Managing Director,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Madurai Region,
T.Kallupatti Branch,
Madurai.

2.The Officer incharge
Medical Board at Government Rajaji Hospital,
Madurai

+1 CC to M/s.K.APPADURAI, Advocate (SR-17786[F] dated
28/04/2021)

W.P(MD)No.8423 of 2021
27.04.2021

ES(CO)
KB(13.05.2021) 3P 4C