



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.1065 of 2019

and W.M.P. (MD)No.893 of 2019

WEB COPY

A.K.Ravi

... Petitioner

vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

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

3.The Branch Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rockfort Branch, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to refer the petitioner to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Driver and consequently direct the respondents to provide the petitioner suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 23.10.2018 to till the date on which the petitioner is provided with alternative light duty as per Section 20(4) of the Rights of the persons with Disabilities Act, 2016 within a time frame that may be fixed by this Court.

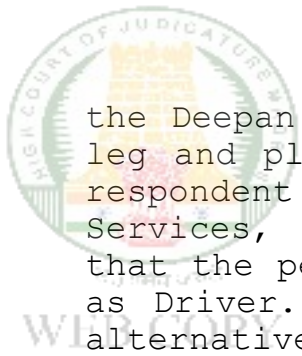
For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

The petitioner has filed this Writ Petition seeking for a direction to the respondents 1 to 3 to refer him to the Medical Board of any competent Government Hospital to ascertain his physical fitness to work as Driver and to provide the suitable alternative employment to him with pay protection.

2. According to the petitioner, he was appointed as Driver in the first respondent Corporation with effect from 21.04.2001. On 11.11.2009, while he was walking on the road, he met with an accident by a car, which dashed on him. He has taken treatment in



the Deepan Nursing Home, Trichy. He underwent surgery in the right leg and plates were also inserted. He was referred by the second respondent to the Joint Director of Medical and Rural Health Services, Tiruchirappalli. The Medical Board, Trichy, certified that the petitioner suffered 50% disability and he is unfit to work as Driver. In spite of the same, the respondents did not provide alternative employment to the petitioner and he continued to work as Driver. Due to strenuous work, he developed heart disease and stent was inserted. From 23.10.2018, the petitioner was not assigned with any work and also was not paid with salary. Hence, the petitioner made a representation on 29.11.2018 to the respondents. Since the same was not considered, till date, the petitioner has come out with the present Writ Petition.

3. The learned counsel appearing for the respondents submitted that the representation of the petitioner will be considered on merits and suitable orders will be passed.

4. Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for the respondents and perused the materials available on record carefully.

5. In the typed set of papers filed in support of this Writ Petition, the petitioner has filed the documents with regard to the treatment taken, the report of the Medical Board and the representation sent to the respondents. A perusal of the said documents shows that the petitioner has suffered disability and subsequently diagnosed with heart disease and requested the respondents to provide alternative employment, as he could not continue to work as Driver,

6. Considering the above materials, without deciding the issue on merits, the respondents are directed to refer the petitioner to Medical Board, Trichy, to ascertain the physical fitness of the petitioner and based on the report of the Medical Board, pass appropriate orders, with regard to alternative employment to the petitioner.

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

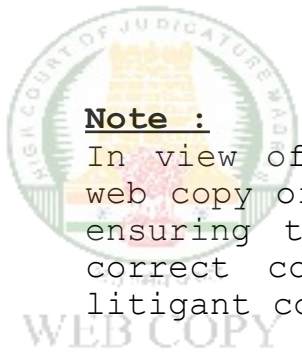
Sd/-

Assistant Registrar (Cr1)

// 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,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
- 3.The Branch Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rockfort Branch, Trichy.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-22849[F] dated 16/07/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-23151[F] dated 19/07/2021)

W.P (MD)No.1065 of 2019

15.07.2021

RK (27.07.2021) 3P 6C