



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12161 of 2021

R.Sakthivel

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its Managing Director,
Bye-pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Pasumalai (R.C Unit),
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to re-assign the petitioner with the post of Time Keeper or to provide suitable alternative employment with pay protection, continuity of service as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, by considering the petitioner's representation, dated 16.09.2020.

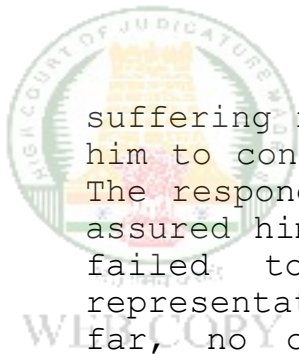
For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.J.Senthil Kumariah

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to re-assign him with the post of Time Keeper or to provide suitable alternate employment with pay protection, continuity of service as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, by considering his representation, dated 16.09.2020.

2.According to the petitioner, he was appointed as Driver in the year 2000 and his service was regularized on 01.09.2005. He was also extended with the benefit of Selection Grade and Senior Selection Grade in the post of Driver. While so, in the year 2012, the petitioner was declared as 'unfit for driving' due to his vision defect. The respondents considering the services of the petitioner, through oral order, designated him as Time Keeper in the same scale of pay. In November, 2017, again by oral order, the petitioner was directed to discharge his duty as Mechanic. The petitioner is



suffering from cervical pain and requested the respondents to permit him to continue as Time Keeper or provide any other alternate work. The respondents directed the petitioner to work as Record Clerk and assured him that he would be posted as Time Keeper. The respondents failed to post him as Time Keeper. The petitioner gave representations to the respondents and finally on 08.07.2021. So far, no order has been passed by the respondents. Hence, the petitioner has come out with the present Writ Petition.

3.The learned counsel appearing for the petitioner referred to the Medical report of the petitioner and submitted that the respondents may be directed to consider his representation and provide alternate employment taking into account his illness.

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

5.Considering the fact that while the petitioner was working as Senior Selection Grade Driver, due to his vision defect, he was provided with alternate duty as Time Keeper, Mechanic and Record Clerk. From the year 2012, the respondents have not passed any order providing alternate duty to the petitioner as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016. Hence, the respondents are directed to consider the representation of the petitioner, dated 06.07.2021 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The respondents are at liberty to refer the petitioner to the Medical Board and based on the report of the Medical Board, as well as length of the services of the petitioner as Driver, provide him alternate duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016.

6.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

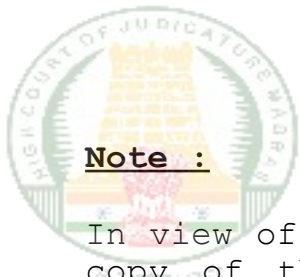
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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,
Bye-pass Road,
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Pasumalai (R.C Unit),
Madurai.

**W.P (MD) No.12161 of 2021
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RKN (29.07.2021) 3P 3C