



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13702 of 2021

WEB COPY

K.Ramamoorthy

... Petitioner

Vs.

1.The Managing Director,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road,
Madurai-625 016

2.The Financial Adviser,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road,
Madurai-625 016

3.General Manager,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul,
Dindigul District.

4.The Branch Manager,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Dindigul Region,
Natham Branch,
Dindigul District.

... Respondents

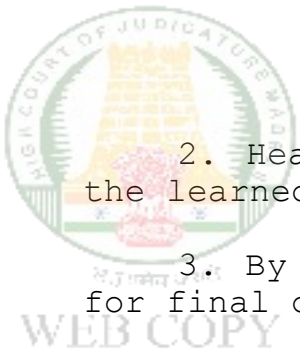
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to allow the petitioner and continue to work as Cashier in Natham Branch or any other alternative light work based on the petitioner's representation dated 23.07.2021.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to continue to work as Cashier in Natham Branch or any other alternative light work based on the petitioner's representation dated 23.07.2021.



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

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

4. The case of the petitioner is that he is seeking for alternative employment under Section 47(1) of the Persons with Disabilities (Equal Opportunities of Rights and Full Participation) Act 1955. According to the petitioner, he was working as a Driver in the respondent Corporation and due to the medical grounds and based on the Union recommendations, he was allowed to work as Helper and Subsequently, shifted as Cashier in the Computer Wing in Cash section at Natham Branch. But the first respondent Corporation is pressurizing him to go for Driver job despite knowing his health condition and advised him to appear before the Medical Committee. According to the petitioner, he was not physically fit to work as a Driver. Therefore, the said instructions of the respondent Corporation are contrary to the provisions of Section 47(1) of the Persons with Disabilities (Equal Opportunities of Rights and Full Participation) Act 1955.

5. The learned Standing counsel appearing for the respondents would submit that the petitioner has not satisfied with the authority concerned for providing alternative job under Section 47 (1) of the Persons with Disabilities (Equal Opportunities of Rights and Full Participation) Act 1955. Therefore, the petitioner has to appear before the Regional Medical Board, Rajaji Salai, Madurai and based on the report, the respondents will consider his request and take appropriate decision for providing alternative job to the petitioner under the provisions of the aforesaid Act.

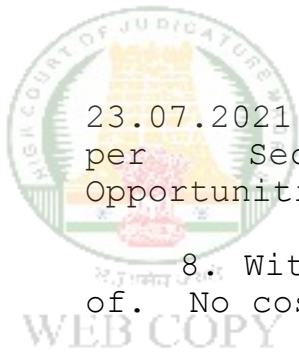
6. The learned counsel for the petitioner would submit that the petitioner is ready to appear before the Medical Board as directed by this Court.

7. In view of the aforesaid submissions made by the learned counsel on either side, this Court is inclined to pass the following order"

(i) The Dean, Rajaji Medical College Hospital, Madurai is directed to serve notice to the petitioner, fixing a date to appear before the Medical Board within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said notice, the writ petitioner shall appear before the Regional Medical Board, Madurai within a period of two months thereafter.

(ii) The Dean, Rajaji Medical College Hospital, Madurai is directed to submit a report to the third respondent Corporation and also communicate a copy of the report to the petitioner.

(iii) Based on the report, the respondent is directed to pass appropriate orders on the petitioner's representation dated



23.07.2021 in accordance with law for providing alternative work as per Section 47(1) of the Persons with Disabilities (Equal Opportunities of Rights and Full Participation) Act 1955.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Dean, Rajaji Medical College Hospital,
Madurai

2.The Managing Director,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road, Madurai-625 016

3.The Financial Adviser,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Bye-pass Road, Madurai-625 016

4.The General Manager,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul, Dindigul District.

5.The Branch Manager,
The Tamilnadu State Transport Corporation (MDU) Ltd.,
Dindigul Region,
Natham Branch,
Dindigul District.

W.P (MD) No.13702 of 2021
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MGJ(18.08.2021) 3P 6C

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