



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.14264 of 2021

Karanthamalai

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16.

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

3.The Dean,
Government Rajaji Hospital,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to refer the petitioner to appear before the Medical Board of 3rd respondent to ascertain the disability to work as Conductor and thereafter to provide the petitioner with an alternative Employment based on the Medical Certificate to be issued by the Medical Board in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in case the Medical Board finds the petitioner unfit to perform the duties as Conductor.

For Petitioner	:	Mr. S. Govindan
For RR1 and 2	:	Mr. J. Senthil Kumaraiah
		Standing Counsel
For 3 rd Respondent	:	Mr. A. K. Manickam
		Standing Counsel

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the second respondent to refer the petitioner to appear before the Medical Board of 3rd respondent to ascertain the disability to work as Conductor and thereafter, to provide the petitioner with an alternative Employment based on the Medical Certificate to be issued by the Medical Board in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in case the Medical Board finds the petitioner unfit to perform the duties as Conductor.



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.

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4. According to the petitioner, he was appointed as Conductor and joined on 29.04.1993. While he was in service at Sipcot and K.Pudur Branch, he sustained grievous injury in an accident and suffering giddiness frequently and could not see things clearly due to vision problem. Due to the said accident, Doctors advised and opined for regular treatment and review periodically. Therefore, he made a representation on 15.03.2021 to the second respondent stating that he could not perform his duty as Conductor due to the injuries sustained in the said accident and also to refer him before the Medical Board to ascertain the disability to perform his duty as Conductor and also to consider his representation as per the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. However, no action is forthcoming by the respondents till date. Therefore, the present Writ petition has been filed before this Court.

5. The learned Standing counsel appearing for the respondents has no serious objection for considering the representation of the petitioner. He submitted that the petitioner's representation would be considered and appropriate orders will be passed in accordance with law.

6. Considering the submissions made by the learned counsel on either side and also considering the limited scope of prayer made by the petitioner, without expressing any opinion on merits, this Court directs the respondent Corporation to consider the petitioner's representation dated 15.03.2021 on merits and pass appropriate orders in accordance with law and if necessary refer the petitioner to appear before the Medical Board and communicate the decision taken to the petitioner. The said exercise will be completed within a period of not less than four months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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To

1.The Managing Director,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.

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

3.The Dean,
Government Rajaji Hospital,
Madurai.

+1 CC to M/s.SPL GP (SR-26900[F] dated 23/08/2021)

W.P. (MD) No.14264 of 2021
18.08.2021

DJ(CO)

KB(27.08.2021) 3P 5C