



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.19590 of 2021

and

W.M.P (MD)Nos.16290 & 16291 of 2021

R.Krishnakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its
Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli - 627 003.

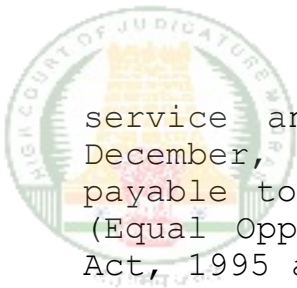
3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.

4.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

5.The Dean,
Kanyakumari Government Medical College and Hospital,
Nagercoil,
Kanyakumari 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 1-3 to provide petitioner suitable alternative employment in the 3rd respondent with pay protection, continuity of



service and monthly salary with back wages from the month of December, 2017 to till date including reasonable rate of interest payable to him as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass such further or other orders as this Court.

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For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.A.K.Manikkam
Standing Counsel for R1 & R5.
Mr.D.Sivaraman,
Standing Counsel for R2 to R4.

ORDER

The writ petition has been filed for the issuance of a Writ of Mandamus, directing the Respondents 1-3 to provide petitioner suitable alternative employment in the 3rd respondent Corporation with pay protection, continuity of service and monthly salary with back wages from the month of December, 2017 to till date including reasonable rate of interest payable to him as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. According to the petitioner, he was working as Driver in the second respondent Corporation and the petitioner was suffering from fracture on his body due to the accident held on 24.11.2017. In view of the said accident and the fracture sustained, the writ petitioner was not in a position to continue his job as a driver in the respondent Corporation. Therefore, he seeks to provide an alternative job by his representation dated 26.07.2021. The said representation is still pending and no orders have been passed by the respondent Corporation.

3. The learned Counsel for the respondent Corporation would submit, that the corporation has to refer the petitioner to the Medical Board. Based on the report of the medical board, appropriate decision will be taken by the respondent Corporation. Therefore, he seeks three months time to consider and to take appropriate decision by the respondent Corporation.

4. In view of the above said submissions made by the parties concerned, without expressing any opinion on its merits, this Court is inclined to direct the third respondent Corporation to consider his representation and to pass appropriate orders after getting the report from the Medical Board as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/Hcservices/> The writ petition stands disposed of, with the above



directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

mnr/btr

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 Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli - 627 003.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.
- 4.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
- 5.The Dean,
Kanyakumari Government Medical College and Hospital,
Nagercoil,
Kanyakumari District.



+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-33439[F] dated 01/11/2021)

+1 CC to M/s.SPL.GP (SR-33513[F] dated 02/11/2021)

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and

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TP (CO)

KB (17.11.2021) 4P 8C