



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .No.20529 of 2021

WEB COPY

R.Venkatasubbu

... Petitioner

Vs.

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,
Dindigul Region,
Bye Pass Road,
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to issue necessary order re-designating the petitioner as Watchman or any other suitable alternative Post with pay protection and other service benefits meant for the post of Driver on the basis of his permanent disability in conformity with Section 47 of persons with Disabilities (Equal opportunities, Protection of Rights-Full Participation) Act, 1945 by considering his representation dated 28.10.2021 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

O R D E R

This writ petition has been filed praying for the issuance of a Writ of Mandamus, to direct the respondents to issue necessary order re-designating the petitioner as Watchman or any other suitable alternative post with pay protection and other service benefits meant for the post of Driver on the basis of his permanent disability in conformity with Section 47 of persons with Disabilities (Equal opportunities, Protection of Rights-Full Participation) Act, 1945 by considering his representation dated 28.10.2021 within the time stipulated by this Court.

<https://hcservices.courts.gov.in/hcservices/> 2. Mr.J.Senthil Kumaraiah, learned Standing counsel takes



notice on behalf of the respondent/Corporation and submits that the petitioner has already been posted as Watchman, considering the Medical report of the petitioner and the provisions under the Disabilities Act.

3. The learned counsel for the petitioner submits that the petitioner is now posted as Watchman. However, he has been directed to drive the vehicle on certain occasions and already, the medical board has declared him as not fit for driving the vehicle. Even thereafter, the respondents are insisting the petitioner to drive the vehicle during certain emergency work and if any thing happens, the petitioner will be held responsible for that incident.

4. Considering the submissions made by the learned counsel for the petitioner, this Court directed the learned Standing Counsel appearing for the respondent to get instructions as to whether the petitioner has been directed to drive the vehicle. After getting instructions, the learned Standing Counsel submits that the petitioner has not been directed to drive the vehicle.

5. In view of the above submission, there is no necessity for any further direction from this Court. Hence, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ssb

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,
Dindigul Region,
Bye Pass Road, Dindigul.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-35042[F] dated 18/11/2021)

W. P. (MD) .No.20529 of 2021
17.11.2021

KS (CO)

SP(01-12-2021)-2P 4C
<https://hservices.ecourts.gov.in/hservices/>