



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5562 of 2022

S.Asokan
S/o.Sennappan,
Conductor, Tamil Nadu State Transport Corporation (Salem) Ltd.,
Krishnagiri Town,
Krishnagiri District. ... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited.,
No.12, Ramakrishna Road, Salem - 636 007.
- 2.The Managing Director,
Tami Nadu State Transport Corporation Limited,
Dharmapuri Division, Dharmapuri.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Krishnagiri Depot,
Krishnagiri, Krishnagiri District. ... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of mandamus to direct the respondents to consider the petitioner's representation dated 03.01.2022 for alternative employment and pass any other appropriate orders as this Court may deem fit for the facts and circumstances of the case.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.A.Sundharavadanan
Standing Counsel

O R D E R

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 03.01.2022 for alternative employment.



2. Brief facts of the case:

The petitioner was appointed as a Conductor (CR 5273) under the respondent's Corporation on 22.04.1988 and was working without any blemish or bad records. In the meanwhile, he was infected with severe TB from the year 2005 and was under hectic treatment for several months, in the year of 2008 his body is completely paralysed and in the year 2017, he was affected cardiac disease and taking treatment at Narayana Hearudalaya and was operated for Angioplast and he is taking medication till today. Due to the above said ailments, the petitioner could not be able to work as conductor and hence, submitted a representation dated 03.01.2022 before the respondents to give an alternative employment as provided under Section 47 of Person With Disabilities Act, but the same has not been considered by respondents. Hence, the writ petition.

3. The learned counsel for the petitioner would submit that the petitioner was joined as a Conductor (CR 5273) under the respondent's Corporation on 22.04.1988 and was working without any blemish or bad records. In the meanwhile, he was infected with several ailments and hence, he is not able to work as conductor. Therefore, he has made a representation to the respondents on 03.01.2022 to provide an alternative employment under Section 47 of the Person With Disabilities Act and the same was not considered by the respondents. Further, he would submit that the failure on the part of the respondents to consider the petitioner's representation is unconstitutional, perverse, illegal and against the principles of natural justice. Hence, he seeks for the alternative employment to the petitioner.

4. The learned Standing Counsel appearing for the respondents would submit that the respondents have to examine as to whether the petitioner's request may consider based on the medical report or not and in this regard, if any appropriate direction issued by the Court as per the rules, the respondents will verify the medical records and consider the petitioner's representation and pass appropriate orders in accordance with law.

5. Heard the learned counsels on either side and perused the materials placed on record.

6. In view of the above facts and circumstances of the case and considering the representation made by the petitioner is pending before the respondent and the medical records are available, this Court directs the fourth respondent to consider the petitioner's representation dated 03.01.2022 and pass



appropriate orders on merits, in accordance with law as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. Further, the writ petitioner is also directed to cooperate for appearing before the Medical Board if so advised by the respondents.

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

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

Dua

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited.,
No.12, Ramakrishna Road,
Salem - 636 007.
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Dharmapuri Division,
Dharmapuri.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Krishnagiri Depot,
Krishnagiri, Krishnagiri District.

+1cc to Mr.K.Thiruvengadam, Advocate SR.No.17299

+1cc to Mr.A.Sundaravadhanam, Advocate SR.No.18110

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GPL (CO)

CB(01/04/2022)