



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 14451 of 2022

K. Muthu

... Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
No. 2, Anna Salai, Chennai - 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, to direct the respondent to provide alternate employment to the petitioner as per Section 20 of "Rights of Persons with Disabilities Act 2016".

For Petitioner : Mr. S.T.Varadarajulu
For Respondent : Mr. C.Gauthama Raj

ORDER

The writ petition is filed for the issuance of a writ of Mandamus to direct the respondent to provide alternate employment to the petitioner as per Section 20 of "Rights of Persons with Disabilities Act 2016".

2. According to the writ petitioner, while he was working as driver in the respondent Corporation, on 04.06.2017, he met with an accident inside the depot and sustained injury in the backside of his head and he was admitted at Bilroath Hospital, thereafter he was admitted at Apollo hospital with the complaints of severe traumatic brain injury. Due to the aforesaid injury sustained, the petitioner could not perform driver duty, since his right leg and hand are in the status of inactivity. Therefore, the petitioner has made a representation dated 15.02.2022 to the respondent to give alternative employment as per Section 20 of "Rights of Persons with Disabilities Act 2016", but the respondent has not considered the said representation. Hence he has filed the instant writ petition before this Court.

3. The learned Standing Counsel appearing for the respondent



submitted that the petitioner's representation dated 15.02.2022, will be considered by the respondent, if there are medical records to prove his disability that he could not drive the vehicle. If such evidence is placed before the respondent, the petitioner's representation dated 15.02.2022 will be duly considered by the respondent Corporation.

4. In view of the above submissions made by the parties, this Court is inclined to pass orders as follows:

i) The respondent Corporation is directed to serve notice to the petitioner to appear before the Medical Board at Chennai District within a period of two weeks from the date of receipt of a copy of the order;

ii) On receipt of such notice, the petitioner shall also co-operate for appearing before the Medical Board on the particular date fixed by the authority concerned;

iii) Based on the report forwarded by the Medical Board, the respondent is directed to consider petitioner's representation dated 15.02.2022 and take appropriate decision in accordance with law as expeditiously as possible within a period of six weeks thereafter.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrn
To

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
No. 2, Anna Salai, Chennai - 600 002.

2. The Dean, Medical Board at Chennai

+1cc to Mr. C.Gauthama Raj, Advocate, S.R.No.37796
+1cc to Mr. S.T.Varadarajulu, Advocate, S.R.No.36756

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KV(CO)
CT/05/07/2022