



W.P.(MD)No.2066 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2066 of 2020
and
W.M.P(MD)No.1735 of 2020

N.Maruthapandi

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. by its General Manager,
Dindigul.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide the petitioner a suitable permanent alternative employment with pay protection, continuity of service and all other attendant benefits, apart from wages from 12.01.2019 after deducting the wages given to him, in accordance with Section 47(1) of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.J.Senthil Kumaraiah

ORDER

This writ petition has been filed for a direction to the respondent to provide the petitioner a suitable permanent alternative employment with pay protection, continuity of service and all other attendant benefits, apart from wages from 12.01.2019 after deducting the wages given to him, in accordance with Section 47(1) of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. The case of the petitioner is that he was recruited for the post of Driver in the respondent Corporation on 15.07.2015 and he has been rendering his service without any blemish and now working at Cumbum-II branch of the respondent corporation. When the matter stood thus, on 13.07.2018, he was waiting at Andipatti bus-stand at about 9.00 a.m., while so, a small stone which was flying from the tyre of a speedily passed lorry, hit the right eye of the petitioner. As a result, he

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suffered severe pain. Immediately, he went to Aravind Eye Hospital, Madurai. After subjecting him to several tests, the Doctors found that an important vein has been damaged and therefore, suggested for surgery. Thereafter, the petitioner was subjected to surgery on 24.07.2018. The grievance of the petitioner is that, due to the above said eye injury, the petitioner has done work as a Driver with great difficulties as the vision in the right eye was not restored in the treatment. Again, the petitioner had undergone a surgery in the right eye. In spite of the same also, the vision in the right eye diminished. Subsequently, the doctors gave report stating that the petitioner is unfit to work as a Driver. Therefore, the petitioner made representation to the respondent requesting to provide alternative employment. Since the same was not considered, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondent is directed to dispose of the representation of the petitioner, dated 20.11.2019, on merits and in accordance with law, within a specified period.



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4. The learned standing counsel appearing for the respondent, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation, dated 20.11.2019 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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M.DHANDAPANI,J.

pm

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