



W.P(MD)No.6938 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6938 of 2020

and

W.M.P(MD)Nos.6365 and 6366 of 2020

V.Muthukumaran

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporaation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to refer the petitioner to a medical board of any Government Hospital to examine his fitness to work as Driver and to provide alternative employment to the petitioner with pay protection, continuity of service and back wages payable for the disengagement period from 22.10.2019 in terms of Section 20(4) of persons with Disabilities (Equal Opportunities,



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Protection of Rights and Full Participation) Act, 2016 and all other attendant benefits.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.Balasubramanian

ORDER

This Writ petition has been filed seeking for a direction to the respondents to refer the petitioner to a Medical Board of any Government Hospital to examine his fitness to work as a Driver and to provide alternative employment to the petitioner with pay protection, continuity of service and back wages payable for the disengagement period from 22.10.2019 in terms of Section 20(4) of persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016 and all other attendant benefits.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as a Driver in the respondent Corporation and due to his ill-health, he absented from duty. Subsequently, he made representations to the respondents to refer him to Medical Board to ascertain the fitness of the petitioner to work as a Driver and to provide an



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alternative duty. Since the same was not considered, the petitioner has filed this writ petition with the aforesaid prayer. However, during the pendency of this writ petition, the petitioner was dismissed from service and therefore, this writ petition may be disposed of with liberty to the petitioner to challenge the dismissal order in the manner known to law.

3. In view of the same, this writ petition is disposed of, with a liberty to the petitioner to challenge the termination order issued in the manner known to law. No Costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

pm



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M.DHANDAPANI, J.

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