



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.3021 of 2016

and

W.M.P. (MD) .No.2653 of 2016

P.Dhanuskodi

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Represented by its General Manager,
Virudhunagar.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to provide the petitioner a suitable alternative employment with pay protection, continuity of service and wages from 23.08.2014 and all other attendant benefits in accordance with Sec 47 (1) of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

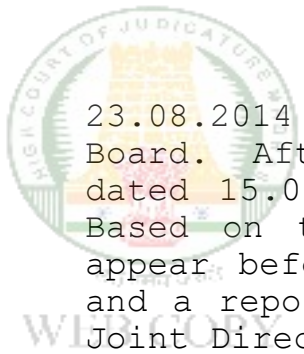
For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.J.Senthil Kumaraiah.

ORDER

This Writ Petition is filed for Mandamus to provide a suitable alternative employment with pay protection, continuity of service and wages from 23.08.2014 and all other attendant benefits in accordance to Section 47 (1) of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. The petitioner has served as a Driver. When he was subjected to regular eye test, he was detected for defective colour vision. Therefore, the respondent did not allot any work from



23.08.2014 onwards. The petitioner was referred to Regional Medical Board. After thorough examination, the District Board gave a report dated 15.09.2015 along with the covering letter dated 29.09.2015. Based on the preliminary report, the petitioner was directed to appear before the Regional Medical Board, Madurai and he appeared and a report was given on 24.11.2015 confirming the test report of Joint Director of Health Services dated 15.09.2015.

3. Since the respondent did not give any alternative employment, this Writ Petition is filed on 10.02.2016. Pending Writ Petition, the respondent had granted alternative employment dated 16.03.2016 onwards. Under Section 47(1), the petitioner is entitled to alternative employment along with the pay protection and other attendant benefits. Since the Medical Board has submitted its report on 24.11.2015, the petitioner is entitled to alternative employment from this date that is 24.11.2015 onwards.

4. Therefore, this Court is directing the respondent to grant alternative employment from 24.11.2015 onwards and grant all attendant benefits and continuity of service from 24.11.2015. It is made clear that the petitioner is not entitled to any back wages from 23.08.2014 to 24.11.2015 under 'No Work, No Pay' principle. The petitioner is entitled to continuity of service from 23.08.2014 onwards.

5. With this direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

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/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the petitioner/concerned.

<https://hccservices.tn.nic.in/tcsign.asp>



To

The Management of
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Represented by its General Manager,
Virudhunagar.

**ORDER MADE IN
W.P. (MD) .No.3021 of 2016
22.02.2022**

KVL/12.03.2022/3P/2C