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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25069 of 2022

A.Raja ... Petitioner

Vs

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Represented by its
Managing Director,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refer the petitioner to Medical Board of any Government Hospital to ascertain physical fitness to work as driver and forthwith provide suitable alternative employment as envisaged under section 20(4) the Rights of the Persons with Disabilities Act, 2016 with continuity of service, pay protection and all other attendant benefits including backwages from the date on which the petitioner was disengaged from alternative employment.

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For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. Even before commencing his submission the learned counsel appearing for the petitioner stated that for the present he will confine his relief to the first part of the writ prayer.

3. The writ petitioner was appointed as driver in the respondent Corporation in the year 2015. He met with an accident in May 2021. The petitioner has become physically disabled and he is not in a position to do the job of Driver. He seeks alternative employment. Before deciding on what alternative employment can be offered to the writ petitioner, the petitioner must be referred to the Medical Board. It appears that till date he has not been referred to Medical Board. The petitioner has also given a representation earlier. Since it was not acted upon the present writ petition has been filed. The learned Standing Counsel called upon this Court to grant him time to get instructions.

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4. I am however of the view that considering the nature of relief to be granted no prejudice will be caused to the respondent by granting the relief sought for. I therefore direct the respondents to refer the petitioner to Medical Board of any Government Hospital to ascertain his physical fitness to work as Driver and submit the report to the Management. This exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. A copy of the report will also be furnished with the writ petitioner also. This writ petition is disposed of accordingly. No costs.

04.11.2022

Index : Yes / No
Internet : Yes/ No
mga

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

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G.R.SWAMINATHAN, J.

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