



W.P(MD)No.5035 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 16.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.5035 of 2023

and

W.M.P.(MD)No.4704 of 2023

A.Sathishkumar

... Petitioner

**Vs.**

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

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

3.The Assistant Manager (Administrative),  
Tamil Nadu State Transport Corporation  
(Tirunelveli) Ltd.,  
Tirunelveli Region,  
Tirunelveli.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give alternative employment to the petitioner in the Transport Corporation.



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For Petitioner : Mr.K.Guhan

For Respondents : Mr.D.Jebaraj,  
Standing Counsel.

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner joined the respondent corporation as Driver. He complained that he was suffering from defective colour vision. The matter was referred to the Special Medical Board. The Regional Institute of Ophthalmology and Government Ophthalmology Hospital, Chennai has given its report dated 11.12.2021 that the petitioner is ophthalmologically unfit to be a driver on account of his defective colour vision. It is most unsafe to post the person as a driver. As per the provisions of the Central Act No.49 of 2016, the petitioner is entitled to alternative employment. Section 20(4) of the Act categorically states that if an employee after acquiring disability is not suitable for the post that he was holding, he shall be shifted to some other post with the same pay scale and service benefits. The respondent management is directed not to post the petitioner as a driver hereafter and he shall be posted in any



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other suitable alternative employment subject to protection of his pay scale and other service benefits.

3.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**16.03.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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