



W.P(MD)No.14690 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14690 of 2023

M.Vellaisamy

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Madurai Region, Bye Pass Road,
Madurai – 625 016.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to refer the Medical Board, Government Rajaji Hospital to find suitability of petitioner's health to the post of Driver in the respondent corporation and subsequently provide alternative job as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 with pay protection and other attendant benefits and ratify the medical leave availed so far as duty period by considering petitioner's representation dated 12.06.2023 within a time limit fixed by this Court.

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For Petitioner : Mr.K.K.Samy

For Respondent : Mr.S.Raja,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner is holding the rank of Driver in the respondent corporation. Due to his diabetic condition, he has suffered amputation of toes in his right leg. The operation was done in February 2023. The petitioner, therefore, seeks alternative employment. Section 20 of the Rights of Persons with Disabilities Act, 2016 clearly states that a person who has acquired disability during service cannot be shown the door and that he has to be given alternative employment. The respondent is therefore directed to refer the petitioner to the medical board forthwith. The report of the medical board shall be obtained within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall also be furnished with a copy of the medical report. Based on the



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opinion of the medical board, the petitioner shall be allotted alternative duty. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

3.This writ petition is allowed accordingly. No costs.

21.06.2023

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

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