



W.P.(MD).No.23989 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23989 of 2023

and

W.M.P(MD) Nos.20145 of 2023 and 20146 of 2023

M.Kumaravel

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
Central Office, K.T.C.Nagar,
Tirunelveli.

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

3. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
Kovilpatti Branch,
Thoothukudi Region,
Kovilpatti, Thoothukudi.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide the petitioner's suitable alternative employment in the Thoothukudi Region of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Tirunelveli with pay protection, continuity of service and monthly salary payable to the petitioner as per Section 47 (1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present writ petition has been filed by the petitioner, who is working as a Driver in the respondent/Transport Corporation. As per the Medical Report annexed with the typed set of papers, it is revealed that, he is suffering from Ischemic Stroke from 19.04.2023 onwards.

2. According to the learned counsel appearing for the petitioner, so far he has not recovered from the stroke and he is not fit for the post of driver. Hence, he sought for an alternative employment by sending a representation to the authorities on 05.09.2023.



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3. However, the respondents/Management has so far not referred the writ petitioner to the Medical Board to ascertain the fitness of the writ petitioner to work as a driver.

4. In view of the above said facts, the second respondent is directed to refer the writ petitioner to the Medical Board in Tuticorin Medical College Hospital, to ascertain the fitness of the writ petitioner to drive the bus. Based upon the said report, the respondents are directed to take the call, whether to grant an alternative appointment to the writ petitioner or not. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

03.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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