



W.P(MD)No.24907 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24907 of 2023

and

W.M.P(MD)Nos.21078 & 21079 of 2023

R.Shaji

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
TNL Limited,
Thoothukudi Road, KTC Nagar,
Tirunelveli-627 011.

2.The General Manager,
TNSTC (TNL) Ltd.,
Nagercoil Region,
Ranithottam,
Nagercoil – 629 001,
Kanyakumari District.

3.The Branch Manager,
Monday Nagar Branch,
TNSTC (TNL) Ltd.,
Neyyoor Post, Kanyakumari District.

... 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 1 and 2 to provide the petitioner suitable alternative employment in the Nagercoil Region, Tamilnadu State Transport Corporation (TNL) Ltd, Thingal Nagar with pay protection, continuity of



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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.P.Krishna Doss

For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present writ petition has been filed by the Driver working in the respondent Corporation seeking a Mandamus directing the respondents to provide an alternative employment on medical grounds.

2. According to the learned counsel appearing for the writ petitioner, the petitioner is under continuous treatment for Complex Partial Seizure as an out-patient for the past 4 years. Hence, he has requested the department by his letter, dated 02.05.2023 to provide him an alternative employment. However, the department has issued a charge memo to the writ petitioner on 12.05.2023, for which he has submitted his explanation on 13.06.2023.

3. Considering the medical certificates filed in the type set of papers from private hospitals, the respondents are directed to refer the



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writ petitioner to the medical board in Kanyakumari Medical College Hospital at Asaripallam, Nagercoil in order to ascertain the medical fitness of the writ petitioner be employed as a Driver. On the basis of the said report, the respondent Corporation shall initiate appropriate action as per the request of the petitioner.

4. The respondent Corporation is directed to refer the writ petitioner to the above said hospital within a period of two (2) weeks from the date of receipt of copy of this order. The medical board shall submit their report within a period of four (4) weeks thereafter. On receipt of the said medical report, the respondent authorities are directed to consider his request on merits and in accordance with law and pass appropriate orders.

5. With the above said observations, this Writ Petition stands disposed of to the extent as stated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.10.2023

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

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Order made in
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