



W.P(MD)No.28147 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28147 of 2023

and

W.M.P(MD)No.24224 of 2023

A.Manimaran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited, Madurai Division,
Bye Pass Road, Madurai.

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

3.The Branch Manager,
Dindigul Branch-I,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul.

... 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 permit petitioner to continue in the post of Security as an alternative employment without affecting the petitioner's scale of pay and all other attendant benefits with pay protection, continuity of service in



W.P(MD)No.28147 of 2023

terms of Section 20 (4) i.e. the Rights of Persons with Disabilities Act, 2016 by considering his representation, dated 02.11.2023 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Special Grade Driver of the respondent corporation seeking a direction to the respondents to permit him to continue in the post of Security as an alternative employment with pay protection and all attendant benefits in terms of Section 20 (4) of Right of Persons with Disabilities Act, 2016.

2. In view of the locomotive disorder, the respondent Corporation by proceedings, dated 18.08.2021 has referred the writ petitioner to the Director of Rajiv Gandhi Government General Hospital, Park Town, Chennai to find out his fitness to perform the driver's duty in a heavy passenger motor vehicles.

3. According to the learned counsel appearing for the writ petitioner, the report has been submitted by the Director of the said



W.P(MD)No.28147 of 2023

hospital to the effect that he is unfit to drive heavy passenger vehicle.

However, the respondent Corporation has not chosen to pass any orders, granting alternative employment with pay protection to the writ petitioner. Hence, the present writ petition.

4. Considering the above said facts, the 2nd and 3rd respondents herein are directed to pass orders on the basis of the Medical Board report submitted by the Director of Rajiv Gandhi Government General Hospital, Park Town, Chennai and provide the petitioner, with alternative employment with pay protection. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

gbg



W.P(MD)No.28147 of 2023

To

WEB COPY

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited, Madurai Division,
Bye Pass Road, Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.
- 3.The Branch Manager,
Dindigul Branch-I,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul.



WEB COPY



W.P(MD)No.28147 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.28147 of 2023

Dated:
29.11.2023