



W.P(MD)No.28264 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.28264 of 2023

Athmanathan

... Petitioner

Vs.

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

2.The General Manager,
The Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region,
Karaikudi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to the respondents to forthwith provide an alternative employment with pay protection, continuity of service and back wages as per section 47(1) of persons with disabilities, (Equal Opportunities protection and rights full participation) Act, 1955, based on the Medical report as per this Court order in W.P.(MD).No.4858 of 2023, dated 16.03.2023 with representation of the petitioner on 06.11.2023, within a stipulated time that may be fixed by this Court.



WEB COPY



W.P(MD)No.28264 of 2023

For Petitioners : Mr.R.Senthilkumar

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Driver of the respondent Corporation seeking a Mandamus directing the Corporation to provide him with alternative employment with pay protection on the basis of the medical report.

2. The petitioner had approached this Court in W.P(MD)No.4858 of 2023 seeking a Mandamus to direct the respondents to refer the petitioner to the Medical Board. This Court by an order, dated 16.03.2023 has passed the following order:

“2. The petitioner is employed in the respondent Corporation as driver. He is said to have suffered stroke. The respondent Corporation is directed to refer the petitioner to the Madurai Rajaji Government Hospital. This reference shall be made within a period of two weeks from the date of receipt of a copy of this order. The medical board shall submit its report within a period of six weeks thereafter. The copy of the medical board shall be furnished



W.P(MD)No.28264 of 2023

to the petitioner also.”

WEB COPY

3. According to the learned counsel appearing for the writ petitioner, the petitioner had appeared before the Medical Board in Government Rajaji Hospital. Though they have submitted a report, the respondent Corporation is yet to pass any orders. Hence, the present writ petition.

4. In view of the above said facts, the respondent Corporation is directed to pass orders on the basis of the medical report submitted by the Medical Board of Madurai Rajaji Government Hospital. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

29.11.2023

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



W.P(MD)No.28264 of 2023

WEB COPY
To

- 1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Division,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region,
Karaikudi.



WEB COPY



W.P(MD)No.28264 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.28264 of 2023

Dated:
29.11.2023