



W.P.(MD).No.30159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30159 of 2023

M.Manickavasagam

... Petitioner

Vs.

1. The Director & Superintendent,
Regional Institute of Ophthalmology and
Government Ophthalmic Hospital,
Egmore, Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
23/2, Thoothukudi Road,
V.M.Chathiram,
Kattabomman Nagar,
Tirunelveli District.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Vannarpet,
Tirunelveli District.

4. The Assistant Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Division,
Tirunelveli District.

... 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 to complete the entire process of assessing and evaluating the case of the petitioner to provide alternative work to his ability within a time frame fixed by this Court and consequently directing the respondents 2 to 4 to disburse the Special Disability Leave for period of 24 months as per Rule 6(b) of the Special Disability Leave Rules within stipulated time frame fixed by this Court.

For Petitioner : Mr.N.Shanmuga Selvam

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1

ORDER

The present writ petition has been filed by a Conductor of the second respondent Transport Corporation seeking a mandamus as against the respondents to complete the assessment and evaluation of the physical fitness of the writ petitioner and proceed to confer the benefits under the Special Disability Leave Rules.



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2. According to the learned counsel appearing for the writ petitioner, the writ petitioner had appeared before the Medical Board of the first respondent herein on 20.04.2023 and 21.04.2023. However, the first respondent is yet to forward the report to the second respondent. The second respondent has sent a reminder on 27.07.2023 to the first respondent for forwarding the Medical Report. However, so far, the first respondent has not forwarded the Medical Report. Hence, the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

4. Considering the above said facts, the first respondent herein is directed to forward the Medical Report to the second respondent within a period of three months from the date of receipt of a copy of this order. On such receipt, the second respondent is directed to consider the said report and pass orders on the basis of Rights of Persons with Disabilities Act, 2016 with connected Rules thereunder within a period of four weeks thereafter.



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5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

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

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V.M.Chathiram, Kattabomman Nagar,
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3. The General Manager,
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4. The Assistant Manager,
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