



WEB COPY



W.P.No.8410 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8410 of 2021 and
W.M.P.Nos.8957 & 8959 of 2021

E.D.Jaisankar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide the petitioner with permanent alternative light duty employment in the cadre equal to the post of Conductor with pay protection, continuity of service and all other attendant benefits as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 after ascertaining his physical fitness to continue or not in the post of Conductor by subjecting / referring him to the Medical Board.



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For Petitioner : Mrs.S.Girija
For Respondents : Mr.R.Babu, Standing Counsel

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to provide the petitioner with permanent alternative light duty employment in the cadre equal to the post of Conductor with pay protection, continuity of service and all other attendant benefits as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 after ascertaining his physical fitness to continue or not in the post of Conductor by subjecting / referring him to the Medical Board.

2. Heard Mrs.S.Girija, learned counsel for the petitioner and Mr.R.Babu, learned Standing Counsel for the respondents.

3. The petitioner was appointed as a Conductor in the year 1990 and disciplinary proceedings were initiated against him for unauthorized absence from duty.



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4. The learned counsel for the petitioner submitted that the petitioner has got a serious medical issue. Instead of providing him with an alternate employment, disciplinary proceedings have been initiated against him which is illegal.

5. However, the learned Standing Counsel for the respondents submitted that the petitioner neither appeared before the Medical Board nor approached the respondents seeking permission or order for reference to Medical Board. He further submitted that the order of removal from service of the petitioner is pending for approval with the Deputy Commissioner of Labour, Salem.

6. In view of the same, it is upto the petitioner to make due representation before the said authority and renew his request for referring him to Medical Board for getting the medical assessment and get the report, if needed.



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R.N.MANJULA, J.

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7. With these observations, this Writ Petition is disposed. No costs.

Consequently, connected miscellaneous petitions are closed.

08.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

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