



WEB COPY



W.P.No.17210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.17210 of 2024

S.D.Meganathan

... Petitioner

Versus

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Villupuram District

2. The General Manager,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Kanchipuram Region,
Kanchipuram District

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to forthwith provide suitable alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement to till date on which he is provided with alternative light duty, as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 and on the basis of Certificate of Disability issued by Government Institute of Rehabilitation Medicine, Chennai dated 24.03.2021, within the time limit.



W.P.No.17210 of 2024

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

This petition is filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to forthwith provide suitable alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement to till date on which he is provided with alternative light duty, as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 and on the basis of Certificate of Disability issued by Government Institute of Rehabilitation Medicine, Chennai dated 24.03.2021, within the time limit.

2. According to the petitioner, he joined duty on 07.11.2007 as Driver in the 1st and 2nd respondent-Transport Corporation and the petitioner's services were regularised on 21.10.2009. The petitioner is suffering from Neurology problem and continuously taking treatment and on account of the same, the petitioner cannot raise his arms above the shoulder and facing difficulty in walking and climbing stairs. The



W.P.No.17210 of 2024

petitioner appeared before Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai on the direction of the 2nd respondent, wherein the hospital authorities orally intimated that they have sent report to the 2nd respondent to the effect that the petitioner is not fit for driver job. Once again the 2nd respondent directed the petitioner to appear before the Medical Board, Chennai and the petitioner has undergone medical test from 29.08.2022 to 13.09.2022 and thereafter onceagain undergone medical test from 23.02.2024 to 07.03.2024. On 19.09.2023, the office staff of the 2nd respondent herein orally terminated the petitioner and directed the petitioner not to come to office and the petitioner has not received salary for the month of February, March, April and May, 2024. Since the petitioner is the only bread winner of the family and his sons are studying in college, the petitioner has sent various representations, but the same are not considered, hence the petitioner has come up with this petition.

3. The learned standing counsel appearing for the respondents submits that the Medical Board issued a report indicating that the petitioner suffered from Muscular dystrophy – Distal Myopathy and that he was unfit for the driver job permanently.



W.P.No.17210 of 2024

WEB COPY

4. At this juncture, a proceedings of the Special Board, Rajiv Gandhi Government General Hospital, Chennai – 3 dated 05.04.2024 would show that the petitioner is suffering from 60% locomotor disability. The petitioner was admitted for board case evaluation, who presented with weakness, which was distal in lower limbs and upper limb later proximal lower limb associated with wasting of bilateral thenar and hypothenar muscles. The petitioner was diagnosed with distal predominant progressive myopathy. Routine investigation done. Physiotherapy opinion at KK Nagar opined as 60% locomotor disability. The Chief Civil Surgeons, Rajiv Gandhi Government General Hospital opined that the petitioner is unfit for his job as driver permanently.

5. Considering the above said facts and circumstances of the case and taking note of the proceedings of the Special Board, Rajiv Gandhi Government Hospital, Chennai dated 05.04.2024 indicating that the petitioner has suffered 60% disability, the authorities are directed to sanction the eligible position, whatever the petitioner is entitled to. Further, the salary shall be paid to the petitioner for the pending months without any further delay, if not already paid.



W.P.No.17210 of 2024

With the above observations, the Writ Petition is disposed of.

WEB COPY

Consequently, connected miscellaneous petition is closed. No costs.

19.12.2024

Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No
ssd

To

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Villupuram District
2. The General Manager,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Kanchipuram Region,
Kanchipuram District



WEB COPY



W.P.No.17210 of 2024

V.BHAVANI SUBBAROYAN, J.

ssd

W.P.No.17210 of 2024

19.12.2024