



W.P.(MD).No.387 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.387 of 2024

and

W.M.P(MD)No.395 of 2024

R.Kannan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai District.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Edamalaipattipudur Branch,
Trichirappalli District.
- 4.The Director & Superintendent (FAC),
Regional Institute of Ophthalmology &
Government Ophthalmic Hospital,
Egmore, Chennai-600 008.

... 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 1 and 2 herein to provide alternative work to the petitioner on the basis of petitioner's several medical reports and as per the provisions of section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 – R3 : Mr.K.Jegadeesh Balan
Standing Counsel

For R4 : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 herein to provide alternative work to the petitioner on the basis of petitioner's several medical reports and as per the provisions of section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 within the time limit that may be fixed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner joined duty as Driver in the respondent Corporation on 15.01.2001. Currently, he is working at 3rd respondent branch at Edamalaipatti Pudur Branch, Trichirappalli District as Selection Grade Driver. On 28.04.2021, he was affected by Corona and took treatment at Motilal Nehru Government College Hospital, Trichy from 01.05.2021 to 05.05.2021. After which, he sustained allergy and pain in his eyes. On the direction of the respondent Corporation, he took eye test in Vasan Eye Hospital, Trichy. The said hospital doctor analyzed his eyes and gave certificate, dated 13.08.2021 to the effect that he is unfit for driving. In terms of the 2nd respondent transport office letter, dated 04.09.2021, he was sent to Aravind Eye Hospital, Madurai for further examination. The petitioner underwent further eye test on 08.09.2021. Thereafter, as per the direction of the 2nd respondent, he received a letter from the 4th respondent Medical Board, Chennai on 19.11.2021 for medical test and accordingly, medical test was conducted by the Medical Board. Thereafter, the 4th respondent had sent medical report directly to the 2nd respondent. However, the respondents 1 and 2 have not provided alternative duty to the petitioner. He was also not sanctioned with salary from the month of April 2021 till date. In the meanwhile, he was underwent surgery in A.G. Eye hospital Private Ltd, Trichy on 08.06.2023. Despite his various representations



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through RPAD and in person to the respondents 1 to 3 to provide him with alternative employment as per the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995, no steps had been taken by the respondents to ventilate his grievance. Hence, the petitioner made a representation lastly on 27.08.2023 to the respondents 1 to 3. Since the same was not considered, this writ petition came to be filed.

4. The learned Standing Counsel appearing for the Transport Corporation submitted that already the medical records with respect to the surgery which the petitioner underwent on 08.06.2023 has been forwarded to the 4th respondent and on receipt of report from him, the respondents 1 and 2 will pass appropriate orders providing him with alternative employment.

5. Heard the learned counsels on either side and perused the materials available on record.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7. In view of the submission made by the learned Standing Counsel for the Transport Corporation, this Court direct the 4th respondent to submit the report to the respondents 1 & 2, regarding medical condition of the petitioner with respect to the surgery, dated 08.06.2023 within a period of two (2) weeks from the date of receipt of copy of this order. The respondents 1 & 2 are directed to provide alternative employment to the petitioner within a period of one (1) week from the date of report from the 4th respondent.

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

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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