



W.P.(MD)No.1305 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.1305 of 2024
and WMP(MD).No.1341 of 2024**

K.Thanislass

.... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director
Kumbakonam

2.The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region
Kumbakonam

3.The Branch Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Thanjavur Twon -1 Branch
Thanjavur

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to provide suitable alternative employment to the petitioner with pay protection, continuity of service



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and back wages payable from 22.08.2023 to till the date on which he is provided with alternative employment as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The instant writ petition has been filed by a Driver working in the respondent Transport Corporation seeking a mandamus to direct the respondents Transport Corporation to provide alternative employment to the writ petitioner with all attendant benefits as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

2.According to the learned counsel for the writ petitioner, the petitioner is suffering from hemorrhage and he was directed to appear before the Regional Medical Board at Rajiv Gandhi Government General Hospital, Chennai.

3.A perusal of the records indicate that the Regional Board at Rajiv Gandhi Medical College Hospital, Chennai has assessed the disability of the writ petitioner on 21.06.2023 and found that the petitioner is unfit to continue in his



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job. However, it was recommended that he should appear before the Medical Board after six months. The petitioner had appeared before the Board again on 28.06.2024. The Board again found that the petitioner is having 60% of disability and not fit for the post of driver and he was directed to appear for reevaluation after a period of six months.

4. According to the petitioner, he was not provided with any alternative employment from 21.08.2023 and he is without any salary. Therefore, the petitioner has sent a representation on 11.08.2024. Pursuant to which, a reply has been sent by the first respondent Transport Corporation that they are providing alternative employment as Ticket book loading, Computer and Cash, FC Unit. The petitioner has again sent another representation on 26.08.2024 expressing that in view of his medical condition, he would not be in a position to perform those duties and he had prayed for providing alternative employment as an Office Assistant.

5. On instructions, the learned Standing Counsel appearing for the respondents herein submits that as on today, Office Assistant post is not vacant and they are willing to accommodate the writ petitioner as a time keeper in Thanjavur New Bus Stand. The petitioner has also accepted the said offer.



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6. In view of the above said facts, this Court is inclined to pass the following orders.

(a) The petitioner is directed to join as Time Keeper in Thanjavur New Bus Stand on 25.11.2024 and the respondents are directed to permit the petitioner to join duty.

(b) The respondent Transport Corporation are directed to strictly comply with Section 20(4) of the Rights of Persons with Disabilities Act, 2016 and disburse the salary to the writ petitioner. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of on the above said terms. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2024

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

Note: Issue order copy on 22.11.2024



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R.VIJAYAKUMAR, J.

msa

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