



W.P.(MD).No.2674 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2674 of 2024

and

W.M.P.(MD)No.2687 of 2024

P.Rasamurthy

... Petitioner

Vs.

1.The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

... Respondents

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 forthwith refer the petitioner to any Medical Board of Government Hospital to ascertain his medical fitness to work as Driver and to provide him suitable alternative employment with pay protection, continuity of service and back



W.P.(MD).No.2674 of 2024

wages from the date of disengagement i.e., from 01.08.2023 to till the date on which he is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 within a time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jegadeesh Balan,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to forthwith refer the petitioner to any Medical Board of Government Hospital to ascertain his medical fitness to work as Driver and to provide him suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e., from 01.08.2023 to till the date on which he is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 within a time frame that may be fixed by this Court.



W.P.(MD).No.2674 of 2024

the public. Hence, the petitioner requested for light duty by submitting two representations dated 08.08.2023 and 03.10.2023 in person to the 2nd respondent. Since the same was not considered, the present writ petition came to be filed by the petitioner seeking direction to the respondents to refer the petitioner to any Medical Board of Government Hospital to ascertain his medical fitness to work as driver.

4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials available on record.

5. When the matter was taken up for hearing, the learned Standing Counsel submitted that unless and until he is medically assessed by a competent Medical Board, that is, by the Medical Board at Rajiv Gandhi Government College Hospital, Chennai, the question of providing an alternative job to the petitioner would not arise.



W.P.(MD).No.2674 of 2024

WEB COPY

6. In view of his submissions, I hereby direct the respondents to forthwith refer the petitioner to any Medical Board of Government Hospital to ascertain his medical fitness for the purpose of working as Driver within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, on receipt of the medical certificate, the respondents are directed to consider the petitioner's representation and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of the medical certificate.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



W.P.(MD).No.2674 of 2024

To
WEB COPY

- 1.The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.



WEB COPY



W.P.(MD).No.2674 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.2674 of 2024

08.02.2024