



Cont.P(MD)No.390 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Cont.P(MD)No.390 of 2024

Athmanathan

... Petitioner / Petitioner

Vs.

1.Rajmohan
Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Division,
Kumbakonam.

2.Singaravelan
General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region,
Karaikudi.

... Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to initiate contempt proceedings under Section 11 of the Contempt of Courts Act, 1971 against the respondents / contemnors herein for their willful disobedience to implement the order passed by this Court in W.P(MD)No.28264 of 2023, dated 29.11.2023 and punish the respondents / contemnors.

For Petitioner : Mr.R.Senthilkumar



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For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present contempt application has been filed alleging violation of the order of this Court made in W.P(MD)No.28264 of 2023, dated 29.11.2023, wherein this Court has directed the Transport Corporation to pass orders based upon the report of the Medical Board of Madurai Rajaji Hospital, dated 18.05.2023 and to find out whether he is fit enough to be a Driver of the Transport Corporation.

2. A perusal of the Medical Certificate of the Medical Board reveals that he is unfit to be a Driver. However, relying upon Section 2 (r) of Rights of Persons with Disabilities Act 2016, the Transport Corporation has passed an order on 07.02.2024 to the effect that the petitioner has not incurred disability to an extent of 40% and therefore, he is not entitled to the benefits under Act 49 of 2016. Therefore, it is clear that despite the opinion made by the Medical Board, the Transport Corporation has taken the risk of engaging the petitioner as a Driver. Since no positive orders have been passed by this Court directing the Transport Corporation to provide alternative employment to the



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petitioner, this Court is not in a position to pass any orders in the contempt petition. It is made clear that the Transport Corporation is taking the risk of handing over the Transport Corporation bus to the concerned contempt petitioner.

3. With the above said observations, this Contempt Petition stands closed.

05.06.2024

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

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Division,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region,
Karaikudi.



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R.VIJAYAKUMAR ,J.

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Order made in
Cont.P(MD)No.390 of 2024

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