



W.P.(MD).No.4561 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4561 of 2024

T.Senthil Kumar

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (MDU) Ltd.,
Madurai Region,
Bye Pass Road,
Madurai-625 016.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to keep the petitioner as supernumerary post until a suitable post is made available and pay the salary every month as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 by declaring the system of allotment by light duty committee and adopting selective treatment by it in giving employment is illegal.



W.P.(MD).No.4561 of 2024

For Petitioner : Mr.K.K.Samy

For Respondent : Mr.S.Siva Balaji,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondent to keep the petitioner as supernumerary post until a suitable post is made available and pay the salary every month as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 by declaring the system of allotment by light duty committee.

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

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as daily paid Driver in the respondent's Corporation, vide proceedings, dated 10.12.1997. Later, he was brought under the regular pay scale with effect from 15.02.1999. In the meanwhile, he was



W.P.(MD).No.4561 of 2024

diagnosed with joint pain as 'trauma ligamentary instability with osteoarthritis of radio capitellar and ulno-humeral joints. As a result of which, he was not able to perform duties as a driver and he took medical treatment from 24.10.2021. Following which, he made a representation to the respondent to provide an alternative job. Since, the same was not heeded, he filed W.P.(MD)No.23282 of 2022 before this Court. Pursuant to the same, he was permitted to attend Medical Board for finding the petitioner's suitability to the post of Driver that he was not fit to be a Driver. Accordingly, the petitioner submitted the medical certificate from time to time. Thereafter, the petitioner requested to provide an alternative job vide letters dated 15.09.2023, 18.09.2023 and 29.09.2023. Hence, the light duty Committee given a technical work initially from 12.11.2023 to 30.11.2023 for 16 days and thereafter from 20.12.2023 to 20.01.2024. Though the petitioner attended the work on 21.01.2024, later he was not allowed to perform the duties. The Branch Manager, vide letter, dated 05.02.2024 informed the General Manager that the petitioner absented from his duties. However, it is contrary to the truth. Hence, seeking direction to the respondent to keep the petitioner as supernumerary post until a suitable post is made available and pay the salary every month as per Section 20(4) of the



W.P.(MD).No.4561 of 2024

Rights of the Persons with Disabilities Act, 2016 by declaring the system of allotment by light duty committee, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Carefully perused the materials available on record.

5. Considering the fact that the petitioner has already undergone full Medical Examination by a suitable Medical Board pursuant to the direction passed by this Court in W.P.(MD)No.23282 of 2022, the respondent ought to have provided him with an alternative job in compliance to the order passed by this Court on 06.10.2022. However, it seems that the respondent has provided an alternative job only for 46 days.

6. In view of the same, I hereby direct the respondent to forthwith provide the petitioner with an alternative job suitable to his health condition through the light duty committee with immediate effect.



W.P.(MD).No.4561 of 2024

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7. Accordingly, this Writ Petition stands disposed of. No costs.

28.02.2024

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

To

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W.P.(MD).No.4561 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.4561 of 2024

28.02.2024