



W.P.(MD)No.9346 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9346 of 2024

J.Prabhu

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to provide the petitioner an alternative light duty, in the light of Section 20 of the Rights of Persons with Disabilities Act, 2016 and on the basis of the medical report given by the Regional Medical Board, Rajiv Gandhi Government Hospital, Chennai, within the stipulated time to be fixed by the Court.

For Petitioner : Mr.P.Vijaynivas

For Respondent : Mr.K.Ramiah,
Standing Counsel



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ORDER

Heard Mr.P.Vijaynivas, learned counsel appearing for the petitioner and Mr.K.Ramiah, learned Standing Counsel for the respondent.

2. The petitioner has filed this petition seeking a Writ of Mandamus directing the respondent to provide alternative light duty to him, in view of the Section 20 of the Rights of Persons with Disabilities Act, 2016 and on the basis of the Medical Report given by the Regional Medical Board, Rajiv Gandhi Government Hospital, Chennai.

3. By consent on either side, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner was employed as a Driver in the respondent Corporation and he had successfully rendered 11 years of service. Subsequently, due to some visual impairment, he could not function as Driver efficiently. Medical Examination of the petitioner by the Regional



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Medical Board, Rajiv Gandhi Government Hospital, Chennai had Certified that the petitioner has got colour blindness and he is unfit for Driving. Despite the same, the petitioner has not been given with any alternate employment. The petitioner has given a representation dated 04.03.2024 to the respondent in this regard. But, so far, it has not been considered.

5. If the petitioner does not have a vision suitable to continue as a Driver, then the respondent ought to take it seriously and provide an alternate employment to him. The petitioner is said to have given a representation to the respondent to provide him alternate employment based on the Medical Report. Such being the case, the respondent shall thoroughly scrutinize the medical documents of the petitioner and pass appropriate orders on the representation made by the petitioner within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above observations, the writ petition is disposed of .

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No costs.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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