



W.P.(MD).No.11990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.11990 of 2024

and

W.M.P.(MD).No.10672 of 2024

Ponnayan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam Division,
Kumbakonam,
Thanjavore District.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Region,
Karaikudi,
Sivagangai District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Ulakaneri Branch,
Ulakaneri,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to



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refer the petitioner to medical board of any Government Hospital to ascertain his physical fitness of loss of ability to standing work as a conductor for the reasons of accident at the time of duty in TNSTC Bus TN-63-N-1968, on 04.08.2023 and consequently direct to provide suitable alternative employment as per education qualification of the petitioner with pay protection, continuity of service and back wages as per Section 47(1) of persons with disabilities (Equal opportunities protection and rights full participation) Act, 1955, and treated the petitioner's absent as accident leave by the respondents instead of Earned leave, based on the petitioner's representation dated 03.05.2024, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.K.Jagadees Balan

ORDER

Heard Mr.R.Senthil Kumar, learned counsel for the petitioner and Mr.K.Jagadees Balan, learned counsel for the respondents.

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



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3. This Writ Petition has been filed seeking direction against the respondents to refer the petitioner to medical board of any Government Hospital to ascertain his physical fitness and to provide suitable alternative employment as per education qualification of the petitioner with pay protection, continuity of service and back wages as per Section 47(1) of persons with disabilities (Equal opportunities protection and rights full participation) Act, 1955, and treated the petitioner's absent as accident leave by the respondents instead of Earned leave, based on the petitioner's representation dated 03.05.2024.

4. The petitioner who was working as a Conductor in the respondent Corporation from the year 2007 is said to have met with an accident on 04.08.2023 and he sustained injuries over his right leg and got admitted in the hospital and undergone surgery. The petitioner could not stand for a long time and he is not able to discharge his duty as a Conductor. Hence, the petitioner is seeking alternative employment. The request of the petitioner was not considered by the respondents. The petitioner submitted that he has not been given with the due leave. Though he is eligible for taking treatment due to accident, his leave was deducted in his other leave accounts. The petitioner submits that he is



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entitled to get alternative employment, but so far he was not referred to the medical board.

5. The petitioner's representation has not been considered so far and no action has been taken including the referral of the petitioner to the medical board, the respondents deems it fit.

6. In the result, this Writ Petition is **disposed of** and the respondents are directed to consider the petitioner's representation dated 03.05.2024 and pass appropriate orders including the referral of the petitioner to the medical board, if the respondents deems it fit. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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R.N.MANJULA, J.

Nsr

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