



W.P.(MD)No.13878 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13878 of 2024

V.Jaisankar

... 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 for issuance of 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 medical report given by the Regional Medical Board, Rajiv Gandhi Government Hospital, Chennai within the stipulated time to be fixed by this Court.

For Petitioner : Mr.P.Vijaynivas
For Respondent : Mr.K.Ramaiah
Standing Counsel



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ORDER

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The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct 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 medical report given by the Regional Medical Board, Rajiv Gandhi Government Hospital, Chennai.

2.Heard Mr.P.Vijaynivas, learned counsel for the petitioner, Mr.K.Ramaiah, learned Standing Counsel for the respondent.

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

4.The petitioner joined in service as Driver at the respondent Corporation in the year 1998. He has rendered 26 years of unblemished service. In the meanwhile, the petitioner suffered with heavy spinal cord pain and he could not serve as a Driver. Hence, the petitioner has approached the respondent Corporation seeking alternative employment instead of Driver. The respondent Corporation had sent the petitioner to the Rajiv Gandhi Government



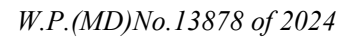
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Hospital, Chennai to ascertain the nature of disability and the Medical Board assessed the disability of the petitioner at 40% vide its letter/proceedings dated 13.10.2020. Though the petitioner submitted a representation on 25.04.2023 along with the letter of the Medical Board, the respondent corporation did not consider the said representation so far and hence, the present writ petition is filed.

5.The learned Standing Counsel for the respondent Corporation submits that there is no alternative employment in the Kumbakonam Region and if any such employment is available, then the respondent Corporation will accommodate the petitioner in that post by considering the representation and the medical fitness of the petitioner.

6.By way of reply, the learned counsel for the petitioner submits that there are so many alternative vacancies available in the Kumabkonam Region.

7.Perusal of the proceedings/letter given by the Medical Board shows that the petitioner has suffered with 40% disability and he is not fit for the job of Driver. Considering the submissions made on either side and also the



8. With the above direction, the Writ Petition stands disposed of.

27.06.2024

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R.N.MANJULA, J.

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