



W.P.(MD)No.17196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17196 of 2024 &
W.M.P.(MD)No.14825 of 2024

V.Mareeswaran

... Petitioner

vs.

1.The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Represented by its Managing Director,
Pallavan Salai, Chennai - 600 002.

2.The General Manager,
The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai - 600 002.

3.The Branch Manager,
The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Madurai Bench, Madurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide suitable alternative light duty to the petitioner on permanent basis in the third respondent branch with pay protection continuity of service in terms



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of section 20 (4) of Rights of the persons with Disabilities Act, 2016 by changing the name and nomenclature of the job of Driver cum Conductor which hitherto the petitioner had been doing before alternative employment was offered to him and accordingly place him in the alternative light duty without any break and continue to pay salary to him with arrears of salary from 21.04.2024.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Senthil Kumar
Standing counsel

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.K.Senthil Kumar, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to direct the respondents to provide suitable alternate employment to him on permanent basis in the third respondent Branch with continuity of service.



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3. The petitioner was appointed as Driver cum Conductor in the first respondent Corporation with effect from 04.02.2008 and his services were confirmed with effect from 08.01.2010. The petitioner had put in 12 years of service in the said post. On 27.09.2019, when the petitioner went for medial check up, he came to know that he is suffering from defective colour vision on his right eye. While so, the third respondent has directed the petitioner to appear before the Medical Board. The Medical Board, after examining the petitioner's eye, has certified that he is not fit to drive vehicles. The grievance of the petitioner is that the respondents refused to provide alternate employment to him by considering his vision deficiency and that he was also kept out of duty from 21.03.2024. Hence, he has filed this writ petition seeking a direction against the respondents to provide him light duty without any break in service.

4. The fact that the petitioner was referred by the third respondent to appear before the Medical Board was not denied. As per the report given by the Board, the petitioner is not fit for driving heavy vehicles. The petitioner states that he was kept out of employment from



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21.03.2024 onwards. According to the respondents, it is the petitioner who had remained out of duty on his own volition and without any orders for alternate employment. Had the petitioner's representation is considered and an order is passed as early as possible, the petitioner could have got an opportunity to engage in any work suitable to his medical condition. At the same time, the petitioner cannot abstain from going to work without getting any orders from the respondents and if he continues to do, he would take the risk of losing continuity of service during the period he keeps himself out of duty.

5. Whatever may be the case, it is for the respondents to consider and pass orders in the light of the Medical Certificate produced by the petitioner as directed by the third respondent and engage the petitioner in any other work suiting to his medical condition.

6. In view of the above observations, the writ petition is **disposed of** with a direction to the respondents to consider the representation of the petitioner dated 02.08.2023 positively and pass



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appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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