



W.P(MD)No.20389 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20389 of 2024

and

W.M.P(MD)No.17300 of 2024

S.Nagendran

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Limited,
Represented by its the Managing Director,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Madurai Region, Madurai. ...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to forthwith refer the petitioner to any Medical Board of Government Hospital to ascertain his medical fitness to work as Driver and to provide him suitable alternative employment with pay protection, continuity of service and back wages from the date of disengagement i.e. from 07.05.2023 to till the date on which he is provided with alternative light duty as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016, within a time frame fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.Gladson Michel Rajadurai
Standing Counsel

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ORDER

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The instant writ petition has been filed by a Driver of the respondent transport corporation, seeking a mandamus to refer the petitioner to any Medical Board to ascertain his medical fitness to work as a Driver.

2.According to the learned Counsel appearing for the writ petitioner, the petitioner has met with an accident, while on duty and he had undergone three surgeries on his left shoulder. A private doctor has certified that he is unfit to work as a Driver.

3.The petitioner has addressed a representation to the respondent on 08.06.2024, seeking to refer him to the Medical Board, so that an alternative employment would be provided. Since there is no response, the present writ petition has been filed.

4.Considering the above said facts, the respondents transport corporation is directed to refer the petitioner to the Medical Board in the Government Rajaji Hospital, Madurai, within a period of two weeks from the date of receipt of a copy of this order and after obtaining a report from the Medical Board, orders



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may be passed in accordance with law by the respondent transport corporation.

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5.With the above said observations, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is also closed.

28.08.2024

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

RJR

To

- 1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Limited,
Madurai Region, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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