



W.P.(MD).No.20539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20539 of 2023

R.Thiayagarajan

... Petitioner

Vs.

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

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam Limited),
Trichy Region,
Trichy.

3. The Branch Manager,
Theeran Nagar Town Branch,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam Limited)
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take necessary action on the basis of the petitioner's representation dated 17.05.2023 with regard to provide alternative employment a light duty in



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terms of Section 20 of persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation Act, 2016) within a time stipulated by this Court.

For Petitioner : Mr.I.Romco Roy Alfred

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The instant writ petition has been filed by a Conductor working in the respondent Transport Corporation, seeking a Mandamus to consider the representation dated 17.05.2023 for providing alternative light duty in terms of Section 20 of persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation Act, 2016).

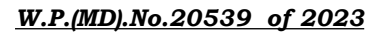
2. The learned Standing Counsel appearing for the respondents contended that from the year 2012 onwards, he has been provided only alternative light work. In the year 2019, he was again referred to the Medical Board and after the report of the Medical Board, he was found unfit for the post of Conductor. Paragraph No.5 of the counter is extracted as follows:



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*“It is further submitted that after 6 months he was sent to Rajiv Gandhi Hospital, Chennai and received report as **“Pt is Un fit for Conductor job in TNSTC. Re-assessment after two years”**. As per medical Board report and in House Committee recommendation he was given Cashier duty at Dheeran nagar Branch of Trichy Region and he performing the Cashier duty till now. The Management has provided alternative employment as light duty. Presently the petitioner is performing alternative duty as Cashier at Dheeran Nagar Branch in Trichy Region. Hence, the question of alternative duty does not arise.*

3. From the representation dated 17.05.2023, it is seen that for the past one year, the petitioner has been allotted the job of Cashier and in view of the injuries in his hand, he is not in a position to work as a Cashier also. Hence, he wants some other alternative employment. The Medical Board has given their report with regard to the unfitness of the petitioner only for the post of Conductor. If the petitioner feels that he is not able to do the job of the Cashier also, he has to be again referred to the Medical Board to find out his fitness to work as a Cashier.



5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

23.08.2024

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R.VIJAYAKUMAR,J.

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