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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7464 of 2025

K.Murugaiyan

.. Petitioner

Vs.

The General Manager,
Tamil Nadu Transport Corporation (VPM) Ltd.,
Thiruvannamalai Region,
Vengikkal, Bye Pass Road,
Thiruvannamalai – 606 604.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to give an alternate employment with pay protection, backwages and continuity of service from December 2023, as per Section 20 of the Right of Persons with Disabilities Act, 2016.

For Petitioner .. Mr.S.T.Varadarajulu

For Respondent .. Ms.S.Pavithra, Standing Counsel

**ORDER**

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2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was working as driver under the respondent. He had joined the service in the year 2007. His services had been confirmed. He developed blood pressure and fainted in the bus. When the doctor examined him, he stated that the left eye was infected with fungus and it was operated. The petitioner lost his eye sight. The petitioner cannot drive.

3.It is dangerous, if the petitioner is directed to drive, as he would cause accident and the passengers would suffer. The respondent would also suffer, since they would have to compensate the passengers for their sufferings. It would only be advisable that the respondent give him an alternate work. This is mandated under Section 20 of the Right to Persons with Disabilities Act, 2016.



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4.This Court tried to impress upon the respondent to voluntarily come forward to offer him an alternate employment. The respondents may even understand from just looking at the petitioner, that he has no vision in his left eye and therefore, cannot function as a driver. It is in the interest of the respondent that they given him an alternate employment.

5.A mandamus is issued that the respondent must suitably post the petitioner in any alternate employment. It is not the mistake of the petitioner that he had suffered with blindness. There must be continuity in service from December 2023. The respondent must pass appropriate orders in this regard protecting the pay, service and monetary benefits to the petitioner within a period of three weeks from the date of receipt of a copy of this order. The petitioner must also abide by any order passed by the respondent with respect to alternate employment and discharge his duty.

6.With the above observations, this Writ Petition stands allowed. No costs.

28.03.2025

Index:Yes/No

Internet:Yes/No

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C.V.KARTHIKEYAN,J.

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