



W.P.No.20568 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.20568 of 2022
and WMP.No.19683 of 2022

R.Ramesh Lal

... Petitioner

Vs.

1. Metropolitan Transport Corporation
(Chennai) Ltd.,
Rep.by its Managing Director,
Pallavan Salai,
Chennai 600 002.

2. The Senior Deputy Manager (HR)
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus to direct the respondents to provide the petitioner suitable alternative employment on permanent basis in commensurate with his health condition with continuity of service, pay protection, back wages and other service benefits and to treat the entire period from September 2011 till date during which the petitioner was not given light duty as duty with pay for all purposes, award costs.



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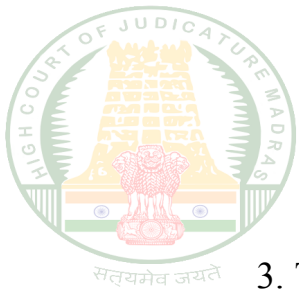
For Petitioner : M/s.Nandhini.H.
for Mr.V.Ajoy Khose

For Respondents : Mr.R.Balaji
Standing Counsel

ORDER

This writ petition has been filed for a writ of mandamus directing the respondents to provide the petitioner suitable alternative employment on permanent basis with continuity of service, pay protection, back wages and other service benefits and to treat the entire period from September 2011 to till date as duty with pay for all purposes and award costs.

2. The petitioner has filed the writ petition seeking alternative employment on the ground of his medical unfitness to continue as a Conductor in the respondent Corporation. He joined the services of the first respondent Corporation as a Conductor on 06.06.1997. Thereafter, he was made permanent with effect from 01.04.1998. The petitioner met with an accident in the year 2009, and suffered severe spinal cord pain. The Doctors advised him against long travel and not to continue the job of a Conductor. Hence, the petitioner requested the respondents to provide him light duty.



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3. The respondents referred the petitioner to Medical Board, Government Royapettah Hospital, Chennai. Upon examination, the medical board certified that the petitioner was unfit for the post of Conductor. Consequently from November 2011 onwards, the respondents assigned the petitioner various light duties such as office work, time keeper, non-ITI helper, etc. Between 2011 and 2018, the petitioner was referred to the Medical Board. Hence the petitioner filed writ petition in W.P.No.25208 of 2018 praying to provide him alternative employment as contemplated in Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act. The said writ petition was allowed by order dated 24.09.2018, directing the respondents therein to consider the petitioner's representation, requesting that to be provided with light duty within 3 weeks from the date of receipt of a copy of the order upon obtaining certificate from the Medical Board regarding his disability. After the order of this Court the petitioner was not given continuous light duty. Hence the petitioner filed Cont.P.No.162 of 2020, for disobedience of the order in W.P.No.25208 of 2018. The said contempt petition was closed on 20.09.2021 recording the respondents submission that the order was complied. It is further averred that despite the petitioner being referred to the Medical Board 9 occasions and being certified as unfit for the post of Conductor, the



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respondents failed to assign him continuous light duty. The petitioner stated that he was constrained to file the above writ petition for the aforesaid relief.

4. When the matter was taken up for hearing on 15.04.2025, the learned Standing Counsel for the respondents was directed to produce a copy of the medical reports of the petitioner before this Court. On perusal of the medical reports it is seen that the medical board consistently stated that the petitioner was unfit for the post of Conductor and advised light duty for him. Even in the latest report dated 01.03.2022 it is clearly stated that the petitioner was unfit for the post of Conductor.

5. The respondents did not file a counter, but as per the direction of this Court produced the medical reports of the petitioner.

6. The learned counsel for the petitioner submitted that the respondents are bound to provide alternate employment to the petitioner with the same scale of pay and service benefits as contemplated under Section 20 (4) of the Rights of Persons with Disabilities Act, 2016. The learned counsel further submitted that the medical board reports filed by the respondents in the typed set of



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papers clearly showed that the petitioner appeared almost 13 times, before the medical board, for its opinion and every time the medical board certified that the petitioner was unfit for the post of Conductor and recommended for light work. The learned counsel for the petitioner further submitted that the petitioner is going to retire in another eight months.

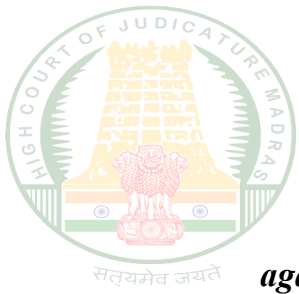
7. Heard both sides and perused the materials available on record.

8. The medical reports produced by the learned Standing Counsel for the respondents, clearly show that the petitioner appeared several times before the medical board, for its opinion. In all the reports it was found that the petitioner was unfit for the post of Conductor and so he was recommended for alternate light duty. It is pertinent to refer here to Section 20(4) of the Rights of Person with Disabilities Act, 2016 and the same is extracted below:-

“4. No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service.

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits;

Provided further that if it is not possible to adjust the employee



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against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier”.

9. The respondents are bound to provide permanent light duty to the petitioner as the injuries suffered by him were in the course of his employment and further he has been found unfit for the Conductor job by the Medical Board. The respondents are bound to comply with the provision of Section 20(4) of the Rights of Persons with Disabilities Act, 2016 by providing alternate permanent employment to the petitioner, with the same scale of pay and service benefits. It is to be noted that the petitioner is on the verge of retirement with only eight months of service left. The respondents are therefore directed to provide the petitioner alternate permanent light duty with the same scale of pay and service benefits within a period of four weeks from the date of receipt of a copy of this order.

10. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

21.04.2025

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Index : Yes /No

Speaking Order : Yes/No



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To

1. The Chairman
All India Council for Technical
Education (AICTE)
New Delhi.
2. The Chairman
Board of Examination
Government of Tamil Nadu,
Department of Technical Education,
Chennai 600 025.



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N. MALA, J.

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