



W.P.No.28588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.28588 of 2023

K.S.Ravichandran

...Petitioner

-Vs-

The Managing Director,
Metropolitan Transport,
Corporation (Chennai) Ltd.,
Pallavan Illam, No.2, Annasalai,
Chennai-600 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondent management to provide alternate employment to the petitioner with pay protection and continuity of service, back wages and other benefits from 27.02.2021 as per Section 20 of the Rights of Persons with Disabilities Act 2016.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.R.Balaji
Standing Counsel



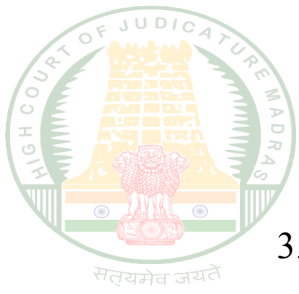
W.P.No.28588 of 2023

ORDER

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This writ petition has been filed seeking to direct the respondent management to provide alternate employment to the petitioner with pay protection and continuity of service, back wages and other attend benefits from 27.02.2021 as per Section 20 of the Rights of Persons with Disabilities Act 2016 and pass any other order or direction as this Court may deem fit and proper in the circumstances of the case.

2.Learned counsel for the petitioner submits that pursuant to the direction of the respondents, the petitioner appeared before the Medical Board of Rajiv Gandhi Government General Hospital, Chennai 600 003, and the Medical report dated 27.02.2022 was submitted by the Board in which it is stated that the ailment is genuine and the petitioner is unfit to work as a driver. Thereafter, the respondents have issued the charge memo dated 07.07.2023 for unauthorized absence and the petitioner has also given a detailed representation/Explanation dated 13.07.2023 requesting the respondents to give alternative employment in view of the Orthopaedic ailment of the petitioner.



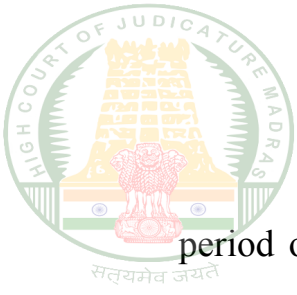
W.P.No.28588 of 2023

3.The learned Standing Counsel appearing for the respondent/Corporation submitted that after the Medical Board submitted the report dated 27.02.2022 the petitioner did not turn up to the respondent/ Corporation seeking alternate employment and that is the reason the charge memo dated 07.07.2023 was issued to the petitioner for his unauthorized absence for the period from 27.02.2022 to 06.07.2023. The representation/Explanation given by the petitioner dated 13.07.2023 has not been considered and the same is pending till date with the respondent.

4.The learned Standing Counsel further submitted that the petitioner may be directed to appear before the Medical Board of Rajiv Gandhi, Government General Hospital, Chennai 600 003, on the day which may be fixed by this Court for physically examining the petitioner as to whether he is fit for the post of driver or not.

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

6.The respondent is directed to refer the petitioner to Medical Board of Rajiv Gandhi Government General Hospital, Chennai 600 003, within a



W.P.No.28588 of 2023

period of two weeks from the date of receipt of the copy of this order and after the submission of the report by the Medical Board the case of the petitioner may be considered by the respondent.

7.The writ petition stands disposed of with the above direction .No costs.

21.01.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order

To

The Managing Director,
Metropolitan Transport,
Corporation (Chennai) Ltd.,
Pallavan Illam, No.2, Annasalai,
Chennai-600 002.



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J.SATHYA NARAYANA PRASAD, J.

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