



W.A.(MD)No.240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.240 of 2024
and
C.M.P.(MD)No.2085 of 2024

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Head Office, Kumbakonam Division,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Head Office, Kumbakonam Division,
Thanjavur District.

3.The Deputy Manager,
Tamil Nadu State Transport Corporation Ltd.,
Head Office, Kumbakonam Division,
Thanjavur District.

4.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Pattukottai Branch, Pattukottai,
Thanjavur District.

...Appellants

-Vs-

C.Ashok Kumar

...Respondents



W.A.(MD)No.240 of 2024

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order dated 06.12.2023 made in WP(MD)No.28156 of 2023 and allow this writ appeal.

For Appellants : Mr.SC.Herold Singh

For Respondent : Mr.R.Saravanan

JUDGMENT

(Judgment of the Court was made by **S.SRIMATHY, J.**)

This Writ Appeal is filed against the order of this Court dated 06.12.2023 made in W.P.(MD)No.28156 of 2023.

2.The writ petition was filed challenging the order of the third respondent therein dated 15.11.2023 and for a consequential direction to the respondents to provide alternative employment to the petitioner in light of Section 47(1) of the Persons with Disabilities Opportunities, Protection of Right and Full Participation) Act, 1995 with continuity of service, pay protection and all other attendant benefits.

3.Initially, the writ petitioner was referred by the respondent Corporation before the Medical Board, Rajiv Gandhi Government General Hospital, Chennai. The Medical Board, after assessing the writ petition, had certified that the writ petitioner is having lack of colour vision and the same is



W.A.(MD)No.240 of 2024

permanent in nature. The Board also assessed the disability of the writ petitioner

to 40%. Thereafter, again the writ petitioner was referred to the Medical Board.

Challenging the same, the petitioner has filed the writ petition. The learned Single Judge has allowed the writ petition directing the respondent Corporation to consider the report of the Medical Board dated 09.08.2023 and confer the benefits under Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995. Aggrieved over the said order, the Corporation has filed the present writ appeal.

4. When the Medical Board had already certified that writ petitioner is suffering from colour vision with 40% visual disability, the appellant Corporation cannot once again referred the writ petitioner to the Medical Board. Further, for the second reference to the Medical Board, the Transport Corporation ought to have obtained permission from the State Government and therefore, the writ appeal ought to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
27.02.2025

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W.A.(MD)No.240 of 2024

J. NISHA BANU,J.
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W.A.(MD)No.240 of 2024

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