

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.34935 of 2015
and
M.P.No.1 of 2015

M.Natarajan

...Petitioner

vs

1. The Managing Directorate
Tamil Nadu State Transport Corporation
12, Ramakrishna Road
Salem 636 007

2. The General Manager
Tamil Nadu State Transport Corporation
12, Ramakrishna Road
Salem 636 007

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider and provide the petitioner with permanent alternative employment in the cadre equal to the post of Conductor with pay protection, continuity of service and all other attendant benefits, as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995, after ascertaining his physical ability to continue in the post of Conductor by referring him to the Medical Board.

For Petitioner : Mrs.S.Girija

For Respondents : Mr.R.K.Gandhi

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he, during the course of his employment as a Conductor on 13.7.2013, suffered grievous injuries in an accident and had taken treatment in a private hospital at Salem between 14.7.2013 and 29.7.2013, and

his illness was diagnosed as "Both Public Rami Right Side", for which, External Fixator was applied, and subsequently, he has also underwent a surgery and once again, was hospitalised from 10.2.2014 to 13.2.2014, and his left hand and mouth got benumbed and became inoperative and after some treatment, he was able to gain something and however, he is not able to perform the duty of Conductor and therefore, has been temporarily assigned with a lighter duty, and he has submitted a representation dated 16.9.2015, praying for alternate employment with pay protection and service benefits under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995, and since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.R.K.Gandhi, learned Standing Counsel, who accepted notice on behalf of the respondents.

4. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider the petitioner's representation dated 16.9.2015, by referring him to the Medical Board within a period of four weeks from the date of receipt of a copy of this order and the said respondents, on receipt of the medical report, are further directed to consider the claim of the petitioner and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of the report and communicate the decision taken, to the petitioner and till then, shall continue to provide him employment subject to relevant norms. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Managing Directorate
Tamil Nadu State Transport Corporation
12, Ramakrishna Road
Salem 636 007

2. The General Manager
Tamil Nadu State Transport Corporation
12, Ramakrishna Road
Salem 636 007

1 CC to Mrs.S.Girija, Advocate SR.No. 59905

W.P.No.34935 of 2015

VD (CO)
PSI (18.11.2015)



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