

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23943 of 2015

R.Subramani

...Petitioner

vs

1. The Managing Director
Tamil Nadu Government Transport Corporation
12, Ramakrishna Road, Salem.

2. The Branch Manager
Tamil Nadu Government Transport Corporation
Division II, Salem Branch, Salem.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to provide permanent alternative job to the petitioner, who is employed as Driver (DR 660) under the 2nd respondent and suffered with HIV (Aids) disease, till his retirement.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.P.Paramasivadoss

ORDER

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

2.The petitioner would state that he was appointed as a Driver (DR 660) in the services of the then Annai Sathya Transport Corporation Limited, Dharmapuri, which was a Government of Tamil Nadu Undertaking, and subsequently, all the Transport Corporations were merged and became Tamil Nadu State Transport Corporations. It is further stated by the petitioner that in the year 2001, he was afflicted with HIV (Aids) and therefore, he developed illness frequently and could not attend duty regularly and in this regard, he was issued with a memo for unauthorised absence and later on, he was allowed to rejoin duty in terms of the Settlement under Section 18(1) of the Industrial Disputes Act, 1947, and he, on account of illness,

was not in a position to concentrate on his work and therefore, submitted a representation dated 9.5.2013, seeking alternate employment in terms of the provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which was also followed by many reminders and since he has not been favoured with any kind of response, came forward to file this writ petition.

3.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.P.Paramasivados, 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 facts and circumstances and without going into the merits of the claim projected by the petitioner, permits him to submit one more representation to the respondents 1 and 2 seeking alternate employment under the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 2, on receipt of the same, is directed to consider it on merits and in accordance with law, and pass orders thereon within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Managing Director
Tamil Nadu Government Transport Corporation
12, Ramakrishna Road, Salem.
2. The Branch Manager
Tamil Nadu Government Transport Corporation
Division II, Salem Branch, Salem.

1 CC to Mr.R.Nalliyappan, Advocate SR.No. 40502

W.P.No.23943 of 2015

SR (CO)
PSI (09.09.2015)