

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28298/2015

R.Periyasamy

... Petitioner

Versus

1. The Management of Tamil Nadu State Transport Corporation [Villupuram Division] Ltd., Villupuram Region, Vazhutha Reddy, Villupuram 605 602.
2. The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund, Pallavan Salai, Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to give pay protection with continuity of service, difference in wage from the date of alternate employment given to the petitioner on 24.10.1994 as per section 47 of the Persons with Disabilities [Equal Opportunities, Protection of Right and Full Participation] Act 1995 and revise the pension.

For Petitioner : Mr.S.T.Varadarajulu

For R1&R2 : Mr.P.Paramasivados

O R D E R

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

2.The petitioner joined the services of the Tamil Nadu State Transport Corporation [Villupuram Division] Limited as a conductor on 20.05.1980. From the date of joining, he claims that he was performing his duty without any break or interruption. The petitioner would state that while he was on duty on 20.03.1993, the bus in which he was working as the conductor, was involved in an accident and the petitioner has lost his left hand. Though the

petitioner, after recovery, returned for duty, he was sent to the Medical Board, to ascertain his fitness and the Medical Board, after examination, has given a certificate, certifying that the petitioner was not fit for duty as conductor and recommended for alternate employment. However, the respondents, in stead of giving the petitioner with an alternate employment, has discharged him from services on 26.08.1994. Thereafter, the petitioner submitted his representation praying for alternate employment and he was given re-employment on 24.10.1994 as a Helper, treating him as a new entrant. The grievance of the petitioner is that in terms of section 47 of the Persons with Disabilities [Equal Opportunities, Protection of Right and Full Participation] Act 1995, the petitioner is entitled to get alternate employment with pay protection and with continuity of service and instead of complying with the said provisions, the respondents has appointed him as a new entrant on 24.10.1994 and consequently, he has lost his service benefits and in this regard, the petitioner has submitted a representation on 05.06.2013 and in spite of it, he was relieved from service and now, he is being paid with pension.

3.Learned counsel for the petitioner would submit that in the event of the petitioner being given protection u/s.47 of the Persons with Disabilities [Equal Opportunities, Protection of Right and Full Participation] Act 1995, the petitioner is entitled for more financial benefit and hence, prays for appropriate orders.

4.This Court heard the submission of Mr.P.Paramasivadosh, learned counsel who accepts notice on behalf of the respondents.

5.Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances, permits the petitioner to submit one more representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order by enclosing a copy of this order as well as his earlier representation dated 05.06.2013 and the 1st respondent, on receipt of the same, is directed to consider and dispose of the representation of the same on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner herein.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

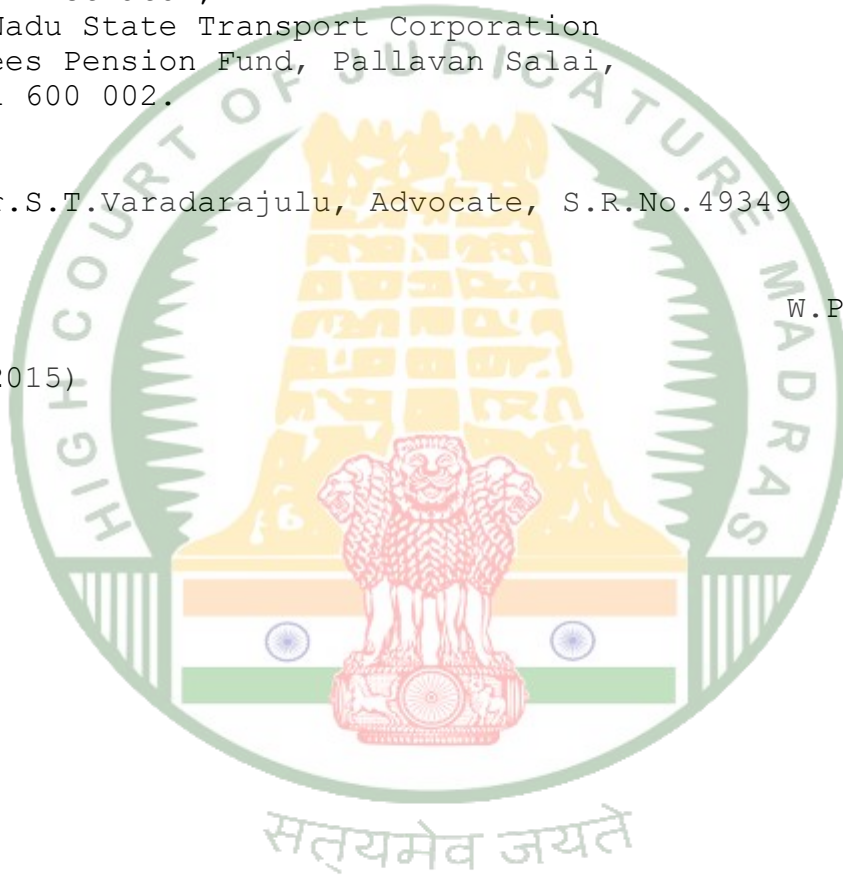
To

1. The Management of Tamil Nadu
State Transport Corporation
[Villupuram Division] Ltd.,
Villupuram Region, Vazhutha Reddy,
Villupuram 605 602.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.49349

PA (CO)
CA(16/09/2015)

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