

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35170 of 2015

A.Dhanabalan

...Petitioner

- Vs -

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

2. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Chennai-malai Road,
Erode - 638 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularise the period from 27.09.2011 to 02.03.2013 treating it as duty and service for being counted for pension and grant all the allied/incidental service benefits including the monetary benefits to the petitioner invoking the provision of Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.S.Girija

For Respondent : Mr.P.Kannan Kumar

O R D E R

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

2. The case of the petitioner is that he was appointed as a conductor in the respondent Corporation during 1981. During the course of his employment, the petitioner underwent major heart surgery in KMCH Speciality Hospital and hence he could not perform strenuous and tiresome duties of conductor continuously. The petitioner made representation to the respondent on 08.03.2002 seeking for alternative employment. Since the petitioner's claim was

not considered by the respondent Corporation, he filed W.P.No.17217 of 2012 and as per the order passed by this Court on 18.07.2012, he appeared before the Medical Board and report was also forwarded to the respondent on 17.09.2012.

3. It is the further claim of the petitioner that the respondents have deliberately disobeyed the order passed by this Court in W.P.No.17217 of 2012 and hence he issued a contempt notice on 12.01.2013. Thereafter, only he was provided with alternate employment as security guard vide proceedings dated 27.02.2013 and the petitioner joined duty on 03.03.2013. Though the order specifically mentioned that he had been provided with alternative duty with continuity of service, it is very much silent about the period of his non-employment from 27.09.2011 to 02.03.2013. Hence, the petitioner made representations on 28.11.2013, 28.02.2014 and 27.07.2015 seeking regularisation of service for period from 27.09.2011 to 02.03.2013 with all service benefits. Since no orders have been passed, the petitioner came forward to file this writ petition.

4. Heard the submissions of Ms.S.Girija, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned counsel, who accepts notice on behalf of the respondents.

5. 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 case, directs the respondents to consider the petitioner's representations dated 28.11.2013, 28.02.2014 and 27.07.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.
Rgr

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

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To

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+1 C.C. To MR.P.Kannan Kumar, Advocate in SR.NO.61693

+1 C.C. To M/S.S.Girija, Advocate in SR.NO.61096

W.P.No.35170 of 2015

SV(CO)
sd : 24/11/2015



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