



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 2.9.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15852 of 2015
and M.P. (MD) No. 1 of 2015

K.Soundarapandiyan

... Petitioner

Vs.

1.Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

3.The Branch Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Cantonment Mofussil Branch,
Trichy.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide suitable alternative employment with pay protection, continuity of service, backwages and all other attendant benefits payable from 13.12.2014 to till the date on which I am provided with alternative light duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass such further or other orders as this Court may deem fit and proper in the nature and circumstances of the case.

For Petitioner ... Mr.A.Rahul

O R D E R

This Writ Petition has been filed by K.Soundarapandiyan, who is working as Driver in the first respondent Corporation with effect from 05.01.2007 at Trichy Cantonment Mofussil Branch seeking for issuance of writ of mandamus directing the respondents 1 to 3 to provide suitable alternative employment with pay protection, continuity of service, back wages and all other attendant benefits payable from 13.12.2014 to till the date on which I am provided with alternative light duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner.

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4. The learned counsel for the petitioner would submit that on citing the reasons that the petitioner's eyes are not fit for doing the job of driver, he was not given any employment from 13.12.2014. Therefore the petitioner made a representation dated 19.12.2014 to provide him light duty and the same has not been considered and the said representation was forwarded by the petitioners to the Assistant Manager of the Office of the second respondent on 22.01.2015 and 02.03.2015. Thereafter, the petitioner made several representations and his last representation was made on 14.08.2015 and the petitioner was neither provided with light duty nor given salary and therefore, he has come forward to this Court by filing this Writ Petition.

5. If the petitioner was refused the employment from 13.12.2014, it is for him to workout his remedy by approaching the Labour Court. The contention made by the learned counsel for the petitioner that the petitioner is entitled to alternative employment as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 cannot be considered by this Court. As refusal of employment has to be adjudicated by the Labour Court.

6. Accordingly this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director, Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam.

2. The General Manager, Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Trichy Region, Trichy.

3. The Branch Manager, Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Trichy Cantonment Mofussil Branch, Trichy.

+1cc to Mr. A. Rahul, Advocate SR.No. 50994

+1cc to Mr. D. Sivaraman, Advocate SR.No. 51516

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