

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.18017 of 2014

S.Kirubanandan

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division (Ltd),
Villupuram

... Respondent

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to provide alternative light duty with pay protection and to post the petitioner for duty in Head office, where the petitioner has already worked as per Section 47 of the persons with disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995, within a time frame.

For Petitioner: Mr.R.Y.George Williams

For Respondent: Mr.P. Paramasivadass

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing respondent to provide alternative light duty with pay protection and to post the petitioner for duty in the head office, where the petitioner has already worked as per Section 46 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995.

3. The petitioner is a physically handicapped person. He joined in the respondent corporation as Junior Trade Man on 21.09.1999. From the date of joining, he was allowed to attend alternative jobs with less strain. The petitioner was also working in the Thiruvananthapuram Head Quarters wireless section for nearly 7 years. While so, all of a sudden, he was transferred on

22.02.2014 to Thiruvananthapuram Depot II and the Branch Manager has not taken into consideration the disability of the petitioner and treated him like other skilled technical worker and as a result, he was posted to weekly maintenance of the buses and such a work involve physical efficiency of 100%. The petitioner came to understand that many similarly placed employees, who are disabled are forced to do the normal works, which could be done only by those who are not affected by disability. The petitioner made a representation to provide alternative light duty with pay protection and to post the petitioner for duty in head office where the petitioner has already worked as per Section 47 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Though the said representation was submitted as early as on 12.10.2014, the respondent has not taken any steps. Hence, the petitioner has come up with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel who takes notice for the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the respondent to consider the representation of the petitioner dated 12.05.2014 and pass appropriate order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondent to consider the claim of the petitioner purely on merits and in accordance with law.

6. With the above direction, the present writ petition is disposed of. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mrp

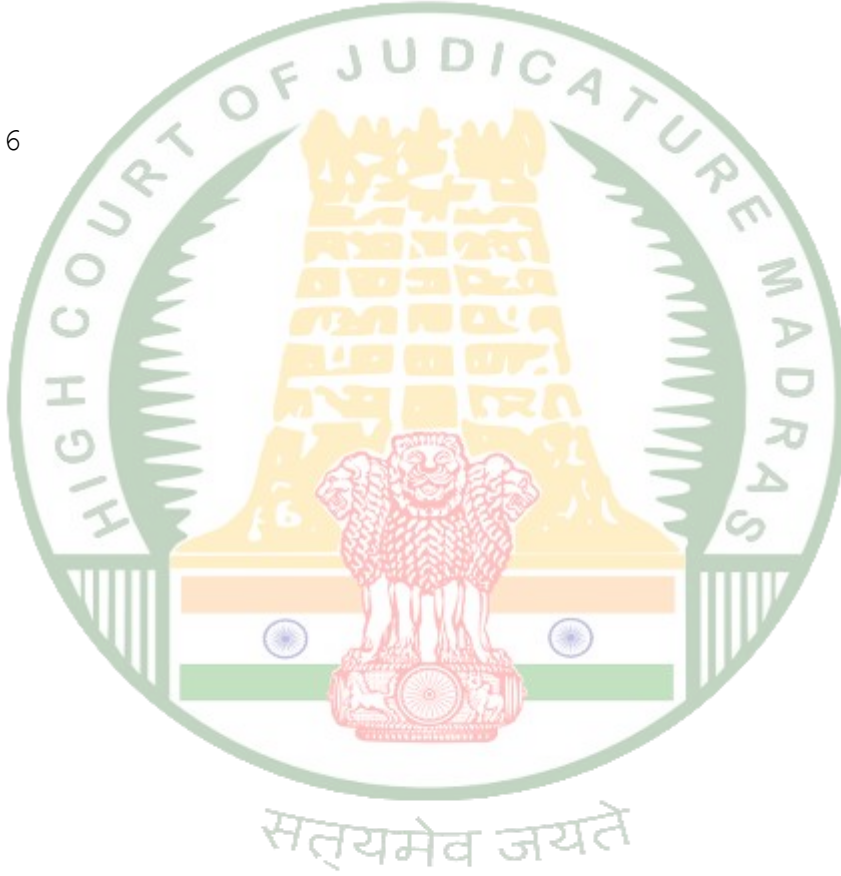
To

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division (Ltd),
Villupuram

+ 1 cc to Mr.P. Paramasivadosh, Advocate SR.58482

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KGK(CO)
EU 25.11.16



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