



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.21296 of 2016

and

WMP (MD) .NO.15233 of 2016

A.Sengaan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Periya Milaguparai,
Trichy - 01.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus to direct the respondents to consider the Petitioner Representation dated 21.12.2015 and to regularize the period ie. from 11.06.2004 to 29.04.2007 as duty as per order of this Court dated 26.04.2007 passed in W.A.No.96 / 2007 and to grant all other attendant and monetary benefits.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.D.Sivaraman

O R D E R

This writ petition has been filed, seeking a direction to the respondents to consider the representation of the petitioner dated 21.12.2015 and to regularize the period from 11.06.2004 to 29.04.2007 as duty as per order of this Court dated 26.04.2007 passed in W.A.No.96 of 2007 and to grant all other attendant and monetary benefits.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents. Counsel, who takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the stage of admission.



3.The brief facts leading to the filing of the Writ Petition read as follows:

The petitioner was appointed as a driver in the respondent corporation on 21.08.1989. As the petitioner suffered from illness, he submitted an application to provide alternative employment. The said requisition was rejected by the respondent corporation by the order dated 05.03.2005. Therefore, the petitioner has filed a petition in WP(MD)No.10289 of 2006 before this court, in which, a direction was issued to the respondent to provide alternative employment to the petitioner. Against which, the respondent filed W.A(MD)No.96 of 2007, wherein this Court has passed the following orders:

"In view of the aforesaid fact and law as discussed by us, while we hold that the respondent/writ petitioner has no right to claim alternative employment under section 47 of the disabilities Act, 1995, but having noticed the offer given by the appellant corporation, allow the respondent/writ petitioner to join the post of helper within ten days, **the authorities will count the intervening period towards his service for all purposes**, but he will not be entitled to salary for intervening period during which he has not performed duty...."

4.After passing of the above said order, the petitioner was provided with employment as Helper. Thereafter, the petitioner has submitted a representation dated 21.12.2015 to the respondents to regularize the intervening period i.e., from 11.06.2004 to 29.04.2007 as duty as per orders passed by this Court (cited supra). As the same has not been considered, this Writ petition has been filed.

5.The learned Standing Counsel for the respondents would submit that the respondents will consider the representation of the petitioner dated 21.12.2015 and pass orders within a time frame to be fixed by this Court.

6.Accordingly, the respondents are directed to consider the representation of the petitioner dated 21.12.2015 in the light of the orders passed in WA(MD)No.96 of 2007 and to pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.15233 of 2016 is closed.

Sd/-

Assistant Registrar(crl)

/True copy/



To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Periya Milaguparai,
Trichy - 01.

+1cc to Mr.M.Saravanakumar, Advocate Sr.No.66395

+1cc to Mr.D.Sivaraman, Advocate SR.No.66583

mj

sm:pv:02/12/2016:3P/5C

W.P (MD) No.21296 of 2016