



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) Nos.22126 to 22128 of 2016
and
W.M.P (MD) Nos.15842, 15871 and 15843 of 2016

W.P(MD)No.22126 of 2016

A.Muthuramalingam

... Petitioner

vs.

1)Tamilnadu State Transport Corporation
(Madurai) Ltd.,
Represented by its Managing Director,
Bye Pass Road, Madurai.

2)The General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

3)The Branch Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd.,
Srivilliputhur Branch,
Virudhunagar Region,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent passed in Ref/SVPR/459/16 dated 15.10.2016, quash the same.

For Petitioner
For Respondents

: Mr.A.Rahul
: Mr.A.Jayaram

W.P(MD)No.22127 of 2016

A.Muthuramalingam

... Petitioner

**vs.**

1) Tamilnadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye Pass Road, Madurai.

2) The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

3) The Branch Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Srivilliputhur Branch,
Virudhunagar Region,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, to call for the records relating to the impugned charge memo issued by the 2nd respondent in Ref : Sattam : Sa.1/7844/3/2016, dated 27.10.2016, quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.A.Jayaram

W.P(MD)No.22128 of 2016

A.Muthuramalingam

... Petitioner

vs.

1) Tamilnadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye Pass Road, Madurai.

2) The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

3) The Branch Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Srivilliputhur Branch,
Virudhunagar Region,
Virudhunagar District.

... Respondents



relating to the impugned order passed by the 3rd respondent passed in Ref/SVPR/390/16 dated 21.09.2016, quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.A.Jayaram

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COMMON ORDER

W.P(MD)No.22126 of 2016 has been filed for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent passed in Ref/SVPR/459/16 dated 15.10.2016, and quash the same.

2.W.P(MD)No.22127 of 2016 has been filed for issuance of a Writ of Certiorari, to call for the records relating to the impugned charge memo issued by the 2nd respondent in Ref : Sattam : Sa.1/7844/3/2016, dated 27.10.2016, quash the same.

3.W.P(MD)No.22128 of 2016 has been filed for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent passed in Ref/SVPR/390/16 dated 21.09.2016, quash the same.

4.When the matter came up for hearing, learned standing counsel for the respondents produced the order passed by the 2nd respondent in Ref : Sattam : Sa.5/359/2016, dated 07.12.2016, wherein, the leave period of the petitioner from 12.09.2016 to 11.10.2016, has been regularised as eligible leave and for the remaining period, he will not be entitled to any allowance on the principle of 'No work, No pay'. However, he submitted that the petitioner has been working from 17.11.2016 in the light duty and he has been relieved from the post of Conductor.

5.It is further submitted that the petitioner had absented himself from the work from 12.09.2016 for more than 10 days and therefor, disciplinary action was initiated and the same has been dropped, taking note of the explanation given by the petitioner.

6.The learned counsel for the petitioner submitted that the respondents cannot refuse leave to the petitioner, as the petitioner is entitled to protection under Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995 and that once the charges are dropped, he should be given the benefits in terms of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995. Though



the order is silent about the same, the learned standing counsel for the respondents fairly submitted that the petitioner has been given light duty in terms of Section 47 of the Act.

7. Once the benefits have been extended, the petitioner would be given all protection in terms of Section 47 of the Act. The petitioner would be entitled to pay protection and continuity of service for the regularised leave period and he would not be entitled to wages for the period of leave, which has not been regularised.

8. In the result, these Writ Petitions are disposed of placing on record the order passed by the 2nd respondent in Ref : Sattam : Sa.5/359/2016, dated 07.12.2016. No costs. Consequently, W.M.P (MD) Nos.15842, 15871 and 15843 of 2016 are closed.

Sd/-
Deputy Registrar (J)

/True Copy/

Sub Assistant Registrar

To

- 1) The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.
- 2) The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Virudhunagar.
- 3) The Branch Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Srivilliputhur Branch,
Virudhunagar Region,
Virudhunagar District.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 80042

NBI

TE/SKN : 27/12/2016 : 4P/5C