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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14222 and 14223 of 2018

and

W.M.P. (MD) Nos.12867 and 12868 of 2018

S.Adaikkala Arulmani

... Petitioner in
both petitions

Vs.

1. The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai.
3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Iluppur Branch, Pudukkottai District. ... Respondents in
both petitions

Prayer in W.P.(MD)No.14222 of 2018: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to forthwith provide alternative employment to the petitioner with pay protection, continuity of service and backwages payable from 25.04.2018 to till the date on which he is provided with alternative duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Prayer in W.P.(MD)No.14223 of 2018: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularise the petitioner's service period from 17.05.2017 to 05.10.2017, 05.01.2018 to 24.01.2018, 09.03.2018 to 20.03.2018 and from 25.04.2018 to till the date on which he is provided with alternative employment as duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently direct the respondents to pay wages and all other attendant benefits for the period within the time limit that may be fixed by this Court.



For Petitioners : Mr.A.Rahul
For Respondent : Mr.D.Sivaraman

COMMON ORDER

WEB COPY The prayer sought for in W.P.(MD)No.14222 of 2018 is for a Writ of Mandamus, directing the respondents to forthwith provide alternative employment to the petitioner with pay protection, continuity of service and backwages payable from 25.04.2018 to till the date on which he is provided with alternative duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.The prayer sought for in W.P.(MD)No.14223 of 2018 is for a Writ of Mandamus, directing the respondents to regularise the petitioner's service period from 17.05.2017 to 05.10.2017, 05.01.2018 to 24.01.2018, 09.03.2018 to 20.03.2018 and from 25.04.2018 to till the date on which he is provided with alternative employment as duty in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently direct the respondents to pay wages and all other attendant benefits for the period within the time limit that may be fixed by this Court.

3.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

4.The learned counsel appearing for the petitioner would submit that, the petitioner was working as Driver at the respondent Corporation. While so on 16.05.2017, when the petitioner drove the bus viz., T.N.55 N 0513 on route No.24, the luggage loaded on the top of the bus contacted the live electricity wire with the result of electric shock, the petitioner was affected. Because of which, he suffered with injury on his left hand. Therefore, based on the treatment taken at the hospital, he had been directed to take rest and he was advised not to drive the vehicle and to take some alternative light work. In this regard, for some time, some light work was given by the respondent Corporation to the petitioner. However, the said period had not been so far regularised as a duty period. Moreover, even till date, the petitioner has not fully recovered from such disability as his left hand is not fully functional to drive the vehicle. Therefore, he seeks for alternate employment under the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

5.In this regard, the petitioner had given two representations. One is for giving alternate employment and



another is for regularising his service. The said representations given respectively by the petitioner on 30.05.2018 and 26.06.2018 since have not been considered, the petitioner filed these two writ petitions with the aforesaid prayers.

6. I have heard the learned standing counsel appearing for the respondents, who would submit that no doubt, the petitioner suffered due to the said accident and because of electric shock, he was affected and therefore, for some time, he was given alternate employment and if he is still not fully recovered to drive the vehicle, the respondents would consider to give alternate employment, till the time he is fully recovered. The learned counsel would further submit that, both of his representations would be considered by the respondents objectively and necessary steps would be taken and an order to that effect would be passed, within a time frame.

7. Considering the said submissions made by both sides and taking into account the facts and circumstances of the case, this Court is inclined to pass the following order:

"The respondents are directed to consider the representations made by the petitioner dated 30.05.2018 and 26.06.2018 and pass orders thereon, with regard to his request of alternate employment and also with regard to his grievance of regularising his service for the period, he undergone treatment and worked in the alternate employment. The needful shall be done by the respondents, within a period of four weeks from the date of receipt of a copy of this order."

8. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(SAR-II)

To

1. The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
represented by its Managing Director,



2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai.

WEB COPY

3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Iluppur Branch, Pudukkottai District.

+1cc to Mr.A.Rahul, Advocate Sr.No.71341

+2cc to Mr.D.Sivaraman, Advocate Sr.No.71079,71080

ARUL

VB/SKN/SAR2/25.07.2018/4P/7C

**W.P (MD) No.14222 and 14223 of 2018
and
W.M.P. (MD) Nos.12867 and 12868 of 2018
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