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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2018**

CORAM:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
W.P. (MD) No.16546 of 2018**

**and
W.M.P. (MD) No.14632 of 2018**

N.Raja

... Petitioner

Vs

- 1) The Government of Tamil Nadu
Rep.by its Secretary to Government,
Transport Department,
Secretariat, Chennai- 600 009
 - 2) The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.
Railway Station Road,
Kumbakonam, Thanjavur District.
 - 3) The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai, Trichy.
 - 4) The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Cantonment Mofussil Branch,
Trichy District.
 - 5 The Dean,
Annal Gandhi Memorial Government Hospital,
Trichy.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 1 to 4 Respondents to provide the petitioner suitable alternative employment in the 4th respondent Corporation Branch at Cantonment Mofussil, Trichy with pay protection, continuity of service and monthly salary with back wages from January 2018 to till date including back wages with reasonable rate of interest payable to the petitioner as per Section as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner

: Mr.N.Sudhagar Nagaraj

For RR 1 & 5

: Mrs.S.Srimathy,
Special Government Pleader.



For RR 2 to 4 : Mr.D.Sivaraman,
Standing Counsel.

ORDER

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The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing respondents 1 to 4 to provide the petitioner with suitable alternative employment in the 4th respondent Corporation Branch at Cantonment Mofussil, Trichy with pay protection, continuity of service and monthly salary with back wages from January 2018 till date, including back wages with reasonable rate of interest payable to the petitioner as per Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

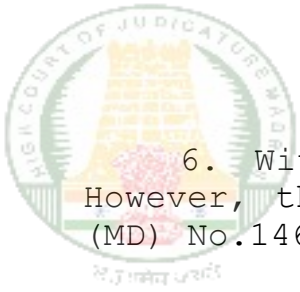
2. Heard Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for respondents 1 and 5 and Mr.D.Sivaraman, learned standing counsel appearing for respondents 2 to 4.

3. Learned counsel appearing for the petitioner would submit that the petitioner is working as Conductor in the 2nd and 3rd respondents Branch at Cantonment Mofussil, Trichy and he has been suffering with Piles complaint and in the year 2013, he has undertaken a surgery, inspite of which, he is not feeling recovered. According to the medical certificate and the report, the petitioner has been diagnosed with Sub-mucosal abscess and was confirmed and because of that, the petitioner suffered pain and other difficulties and therefore, he was not able to concentrate in the job of Conductor, where he is employed. Therefore, in order to get some light alternative employment, the petitioner submitted a representation, dated 10.07.2018, to the respondent Corporation and if the said representation is directed to be considered on merits and in accordance with law and an order to that effect is directed to be passed, within a time frame fixed by this Court, the petitioner would be satisfied.

4. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the RR 1 and 5, who would submit that, on receipt of the petitioner's representation dated 10.07.2018, the same would be considered on merits and in accordance with law and an order that effect would be directed to be passed by the respondents, within a time frame that may be fixed by this Court.

5. Considering the limited scope of the writ petition, this Court is inclined to pass the following orders:

"that the third respondent is directed to consider the representation of the petitioner dated 10.07.2018 and 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."



6. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P. (MD) No.14632 of 2018 is closed.

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Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1) The Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai- 600 009
- 2) The Managing Director,
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Railway Station Road,
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- 4) The Branch Manager,
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(Kumbakonam) Ltd.,
Trichy Region, Cantonment Mofussil Branch,
Trichy District.
- 5) The Dean,
Annal Gandhi Memorial Government Hospital,
Trichy.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.75499

+1cc to SPL.Govt.Pleader, Sr.No.75657

STS

KM/BK/SAR3/18.12.2018/3P/8C