



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.2762 of 2013

Thavamani

... Petitioner

Vs.

1. Tamil Nadu State Express Transport Corporation Ltd.,
represented by its Managing Director,
Pallavan Road,
Chennai - 600 002.
 2. The General Manager,
Tamil Nadu State Express Transport Corporation Ltd.,
Madurai Region, Madurai.
 3. The Branch Manager,
Tamil Nadu State Express Transport Corporation Ltd.,
Marthandam Branch,
Kanyakumari District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide alternative employment under Section 47 of the Disabilities Act based on the petitioner's representation dated 20.01.2005, 23.03.2005 finally on 18.01.2013.

For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.K.Sathiya Singh

ORDER

The relief sought for in this writ petition is for a direction to provide with an alternative employment to the writ petitioner under Section 47 of the Disabilities Act based on the petitioner's representation dated 20.01.2005, 23.03.2005 and 18.01.2013.

2.The grievance of the writ petitioner is that his leg was amputated, when he was performing the duties and responsibilities in the transport corporation. Thus, the writ petitioner requested for an alternative employment.

3.The learned counsel appearing on behalf of the respondents made a submission that the medical board submitted a report on 01.10.2002 and the report says that the writ petitioner cannot



perform the duties of mechanic work with the disability, thus, declared that the writ petitioner was not fit to do the mechanic job. There is a delay in considering the case of the writ petitioner for an alternative employment, since there was no vacancy in the post of Holder during that relevant point of time. In the meanwhile, the writ petitioner attained the age of superannuation and retired from service on 31.12.2012.

4.However, it is brought to the notice of this Court that the terminal and pensionary benefits due to the writ petitioner has not been settled. The respondents have already caused a huge delay in providing of alternative employment to the writ petitioner. Thus, there cannot be any delay in the settlement of the terminal and pensionary benefits to the writ petitioner.

5.Under these circumstances, the respondents are directed to settle all the terminal and retirement benefits due to the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Express Transport Corporation Ltd.,
Pallavan Road, Chennai - 600 002.
2. The General Manager,
Tamil Nadu State Express Transport Corporation Ltd.,
Madurai Region, Madurai.
3. The Branch Manager,
Tamil Nadu State Express Transport Corporation Ltd.,
Marthandam Branch,
Kanyakumari District.

- + 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 51502
- + 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 51112
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52003

MM

TE/KKR/SAR-1 : 23/03/2018 : 2P/7C

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