

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.32028 of 2016 and
W.M.P. No.27778 of 2016

K.Subramanian

.. Petitioner

-vs-

1.The Tamil Nadu State Transport Corporation
(Villupuram) Limited,
rep. by its Managing Director,
Villupuram-605 602.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram Region,
Villupuram-605 602.

3.The Branch Manager,
The Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Sankarapuram Depot,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to provide the suitable light duty in terms of persons with Disabilities (Equal opportunities, Protection of Rights, Full Participation) Act 1995 with pay protection and to pay wages for the period from April 2016 to till date and treat such period as duty for all purposes.

For Petitioner :: Mr.R.Kumaravel

For Respondents :: Mr.S.Sairaman,
Standing Counsel

ORDER

The petitioner has come to this Court seeking a direction to the respondents to provide the suitable light duty in terms of persons with Disabilities (Equal opportunities, Protection of Rights, Full Participation) Act 1995 with pay protection and to pay wages for the period from April 2016 to till date and treat such period as duty for all purposes.

2.The case of the petitioner is that he joined the services of the respondent Transport Corporation as Conductor on 01.11.1999 and subsequently promoted as Senior Conductor on 01.02.2006 and further promoted to the post of Selection Grade Conductor with effect from 01.05.2013. According to the petitioner, he was continuously taking medicines and treatment under the Dr.Sundarrajan and Prof.Dr.S.Nambi for the Parkinson disease, paranoid disorder and nocturnal cramps from October 2014. Due to the said disease, he was on medical leave from October 2014 to April 2015 and the same has been extended from time to time after getting approval from the second respondent. Thereafter, on his request, he was deputed as Salesmen of water vending shop for seven months. While so, the second respondent directed the petitioner to appear before the Special Cell constituted under the Persons with Disability Act, 1995 along with all medical records. Therefore, he appeared before the Special Cell, but he was denied any duty from 10.03.2016 onwards. In view of several representations made by the petitioner, the second respondent once again directed him to appear before the Special Cell. Despite he appeared before the same, no alternate duty was given to him till date. Therefore, the petitioner is before this Court seeking the above prayer.

3.Learned counsel appearing for the petitioner requested this Court to direct the respondents to consider the representations made by the petitioner since the petitioner was bedridden. He would submit that the petitioner is preparing to give an application seeking voluntary retirement from service and the same also be considered on the basis of the medical records going to be produced by him.

4.Considering the limited prayer sought for in this petition and the submission made by the learned counsel for the petitioner, this Court hereby directs the respondents to consider the representations given by the petitioner 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. The respondents are also directed to consider the application seeking Voluntary Retirement, if any, made by the petitioner. Accordingly, this writ petition is disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Tamil Nadu State Transport Corporation
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Villupuram-605 602.

3.The Branch Manager,
The Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Sankarapuram Depot,
Villupuram District.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.3178

+1cc to Mr.R.Kumaravel, Advocate, S.R.No.3442

W.P. No.32028 of 2016
and

W.M.P. No.27778 of 2016

KAN(CO)
GSP(11/02/2019)

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