

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2019

CORAM:

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THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.14828 of 2013****and****M.P. (MD) .No.1 of 2013**

R.Santhanam

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Represented by its Managing Director,

Bye Pass Road,

Madurai-625 010.

2.The General Manager,

Pudukottai Region,

Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Pudukottai,

Pudukottai District.

3.The Branch Manager,

Pudukottai City Branch,

Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Pudukottai,

Pudukottai District.

4.The Dean

Rajiv Gandhi Government General Hospital

Chennai 600 003.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in Ref:TNSTC/PDK/E3/120/2013 dated 22.06.2013 quash the same and consequently, direct the respondents to provide alternative light duty to the petitioner on permanent basis in the Pudukottai City Branch of the 1st respondent Corporation with pay protection, other attendant benefits, continuity of service from 25.05.2010 and further to pay arrears of wages payable to the petitioner from 25.05.2010 to 21.12.2012 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.A.Rahul
For R1 to R3 : Mr.K.Sathiya Singh
For R4 : Mr.D.Murugananthan
Additional Government Pleader

ORDER

This writ petition is filed to provide alternative employment with reference to the Disability Act.

2.The writ petitioner was working as a Conductor in the first respondent Corporation. On account of heart surgery, he was unable to perform his duty and responsibility of the Conductor. Thus, the writ petitioner appeared before the Medical Board and after attending three medical board, the competent Board declared him unfit for performing the duties of Conductor and accordingly, alternative employment was provided to the writ petitioner and now, the writ petitioner is working as Helper and receiving the salary. Thus, the grievance of the writ petitioner for alternative employment has already been redressed by the respondent Corporation. However, the learned counsel for the writ petitioner states that the wages to be paid during the relevant point of time was not considered. In fact, the pay protection was also granted to the writ petitioner with reference to the provision of the Act.

3.Under these circumstances, if any other grievance exists in respect of the other claim, it is left open to the writ petitioner to approach the competent authorities for redressal. If any representation is pending in this regard, the same may be considered with reference to the Rules or an orders in force.

4.With the above observation, this Writ Petition Stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

The Dean
Rajiv Gandhi Government General Hospital
Chennai 600 003.



+1 CC to M/s.SPL GP (SR-80619[F] dated 08/08/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-80806[F] dated 08/08/2019)

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W.P. (MD) No.14828 of 2013

and

M.P. (MD) .No.1 of 2013

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ns

JM/12.09.2019/3P/5C