



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD)No.16562 of 2019

Adaikala Arul Mani

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam)
Ltd.,
Kumbakonam.

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

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

.. 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 take necessary action on the basis of the petitioner's representation dated 28.06.2019 with regard to provide alternative employment as light duty in terms of Section 47(1) of Persons with Disabilities (Equal opportunities, Protection of rights and full participation) Act, 1955 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 Petitioner : Mr. D. Anbarasu

For Respondent : Mrs. P. Balasubramanian
Standing Counsel



ORDER

This writ petition has been filed for issuing a direction to the respondents to take necessary action on the basis of the petitioner's representation, dated 28.06.2019 with regard to provide an alternative employment as light duty in terms of Section 47(1) of Persons with Disabilities (Equal opportunities, Protection of rights and full participation) Act, 1955 and consequently, direct the respondents to pay wages and all other attendant benefits for the period within the time frame to be fixed by this Court.

2. According to the petitioner, he has made a request to the respondent / Corporation to consider him for an alternative employment, but, the same was not considered by the respondents.

3. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondent / Corporation would submit that the respondent has agreed to provide an alternative employment as Conductor in the Transport Corporation to the petitioner. He would further submit that now, the petitioner made a request to provide any other light duty in the Transport Corporation as Conductor Post. He further contended that though the petitioner agreed to work as Conductor in the Transport Corporation, now, taken different stand to provide a light duty, making such representation cannot be considered by the respondents.

4. The learned counsel appearing for the petitioner submitted that the petitioner has already completed the training for the conductor post.

5. In view of the aforesaid submission of the parties, this Court directs the petitioner to join the duty as Conductor in the Transport Corporation. In the mean time, the respondent / Corporation shall consider the petitioner's representation, dated 28.06.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, in any event, not later than twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

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+1 CC to Mr.D.ANBARASU, Advocate SR-80391.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate SR-80394.

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CS(04.09.2019) 3P 6C