

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28024 of 2013

K.Jagadeesan

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to sanction and pay the conveyance allowance as payable to the petitioner herein who is differently abled employee of the respondent Corporation as per Letter No.7677/BPE/2011 dated 15.02.2011 of the Special Secretary to Government, Finance Department, State of Tamil Nadu.

For Petitioner : Mr.G.Purushothaman

For Respondent : Mr.P.Kannan Kumar

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondent to sanction and to pay the conveyance allowance as payable to the petitioner who is differently abled employee of the respondent Corporation as per Letter No.7677/BPE/2011 dated 15.02.2011 of the Special Secretary to Government, Finance Department, State of Tamil Nadu.

2.The case of the petitioner is that the petitioner while he was working as a Conductor in the respondent Corporation met with an accident and was admitted as inpatient from 29.12.2006 to 16.02.2007, 26.02.2007 to 17.04.2007 and 16.11.2007 to

26.11.2007 and had undergone amputation of his right leg and multiple operation on his left leg and spent about Rs.3,61,374/- towards medical expenses.

3.It is the further case of the petitioner that the petitioner preferred claim for compensation before the Motor Accident Claims Tribunal, Coimbatore in MACTOP No.818 of 2007 and the Tribunal awarded a compensation of Rs.16,46,000/-. Aggrieved by the award, the Management filed C.M.A.No.3369 of 2009 before this Court and this Court vide order dated 15.12.2009 modified the compensation.

4.It is the further case of the petitioner that the petitioner was issued with charge memo dated 19.10.2009 served on 05.11.2009 alleging that he absented from duty from 21.09.2009 and directed the petitioner to submit his explanation within a period of three days. The petitioner submitted his explanation dated 25.01.2010. Thereafter, the petitioner made representation seeking alternative employment and vide order dated 27.05.2010, he was offered the post of Helper with the same scale of pay and treated as continuous for the purpose of his remaining services. However, it was held that the period in which the petitioner did not report for duty was considered as period of leave on loss of pay.

5.It is the further case of the petitioner that the order dated 27.05.2010 in so far as holding the period in which the petitioner did not report for duty as period of leave on loss of pay is detrimental to his interest. According to the petitioner, he is entitled to receive the conveyance allowance meant for differently abled employees with effect from 01.10.2010 at the rate of Rs.1000/- per month and the earlier quantum of conveyance allowance from the date of accident with effect from 29.12.2006 at the rate of Rs.300/- per month. In this regard, the petitioner made several representations to the respondent and the last of such representation was made on 03.09.2012 and since there is no response has filed this writ petition.

6.The learned counsel appearing for the petitioner would submit that this Court may issue direction to the respondent to consider the representation of the petitioner dated 03.09.2012 and to pass appropriate orders in terms of Government, Finance Department, letter dated 15.02.2011, within a reasonable time frame.

7.The learned counsel appearing for the respondent has no serious objection in this Court issuing such a direction.

8.In view of the above, this Court directs the respondent to

consider the representation of the petitioner dated 03.09.2012 and to pass appropriate orders in terms of Government, Finance Department, letter dated 15.02.2011, within a period of three months from the date of receipt of a copy of this order.

9.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

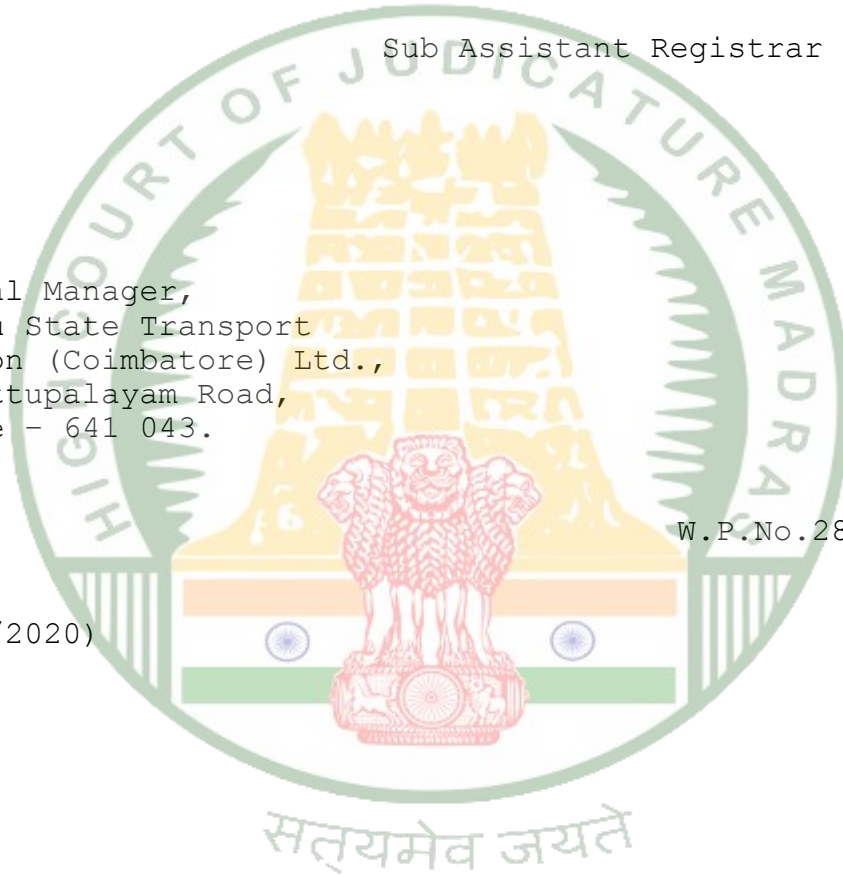
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To

The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

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GP (CO)
RMP (02/11/2020)



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