



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.20641 of 2015

and

M.P. (MD) No.1 of 2015

WEB COPY

1.A.Durairaj (Died)

2.D.Dominic Edward

3.D.Bowlin Marry

(Minor aged about 14 years)

... Petitioners

[Petitioners 2 and 3 are substituted vide

order dated 14.12.2020 in W.M.P(MD)No.10302 of 2017]

-Vs-

1.The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Rep. by its General Manager,
Kumbakonam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide a suitable alternative employment to the petitioner with pay protection, continuity of service and wages from 08.06.2011 and all other attendant benefits in accordance with Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioners : Mr.RM.Sivakumar

For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide suitable alternative employment to the petitioner with pay protection, continuity of service and wages from 08.06.2011 and all other attendant benefits.

2.The learned Standing Counsel for the respondents brought to the notice of this Court that the alternate employment was

<https://hcservices.ecourts.gov.in/hcservices/>



provided to the writ petitioner and he was unable to join due to serious illness. The facts, in this regard, are narrated in paragraph Nos.6, 7 and 8 of the counter affidavit, which reads as under:-

"6.It is submitted that based on the 29.08.2014 Chennai Rajiv Gandhi Medical Board again petitioner participate in the Inhouse meeting on 07.11.2014 and decision was taken to provide alternate employment. In this continuation on the day itself the respective Branch Manager, Mannargudi Branch was directed to provide the alternate employment to the petitioner. But the petitioner not joined duty due to very poor health condition and later he filed this Writ Petition in November 2015 to avail the benefits on the clutches of Law.

7.It is submitted that after 07.11.2014 there is no other representation submitted by the petitioner since due to very poor health condition of the petitioner and he was continuously in medical treatment up to his death on 12.03.2017.

8.It is submitted that due to petitioner death the eligible benefits were settled to the legal heirs.

SI.No.	Description	Amount Rs.	Cheque No.	Date	Installments
1	Ex-gratia	1,50,000	765859	15.10.2020	Entire amount paid.
2	Gratuity	27,197	477370	31.08.2019	Entire amount paid.
3	Cess	37,130	604235	22.05.2019	Entire amount paid.

The name of the legal heir to the petitioner also enrolled in the list of compassionate ground appointment register.

Due to petitioner appointment was after March 2003 that respective employer and employee contribution will be settled as per the Government direction."

3.Unfortunately, the petitioner died on 12.03.2017 itself. This being the factum, the legal heirs are entitled for the terminal benefits as applicable to the deceased/petitioner as per the Rules in force.

4.In view of the fact that the original petitioner died, the alternate employment cannot be now granted. However, the substituted petitioners/legal heirs are entitled for the terminal and pensionary benefits as applicable to the deceased employee. The learned Standing Counsel for the respondents states that the terminal and



pensionary benefits due to the deceased employee were already settled. If any other grievances exist to the legal heirs of the petitioner, they are at liberty to approach the respondents for redressal.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sji

+1 CC to Mr.D.SIVA RAMAN, Advocate (SR-25475[F] dated 15/12/2020)

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