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W.P.No.19102 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.19102 of 2008

A.Natarajan
S/o.Alagan
No.3/824, Mela Sengamedu
Sirkazhi Taluk
Nagapatnam District

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Pallavan House
Chennai 600 002.

2.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division (Kudandai)
Tanjur District.

3.The Secretary
Tamil Nadu State Transport Department
St. George Fort
Chennai 600 009

*(R3 impleaded as per order dated 12.09.2018
made in WMP.No.24912 of 2018)*

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in his proceedings Ref. No.TSTC/KUM/S2/Sapa/2008, dated 26.05.2008 and quash the same as null and void and directing the 2nd Respondent to disburse the conveyance allowance from the date of appointment (i.e., 04.07.1984) to 30.06.2008 as per the G.O.No.445/98 dated 31.01.1998 within stipulated period.

For Petitioner : Mr.K.Thiruvalluvan

For Respondents : Mr.Kannan Kumar (for R1 & R2)

Dr.T.Seenivasan (for R3)
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the 2nd Respondent in his proceedings Ref. No.TSTC/KUM/S2/Sapa/2008, dated 26.05.2008 and quash the same as null and void and directing the 2nd Respondent to disburse the conveyance allowance from the date of appointment (i.e., 04.07.1984) to 30.06.2008 as per the G.O.No.445/98 dated 31.01.1998 within stipulated period.



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2.The case of the Petitioner is that he was appointed as Driver in the second respondent Corporation on 15.02.1980 and on 28.11.1983 when he was driving the bus across Kollidam Bridge, a private bus came in the opposite direction hit the bus driven by the Petitioner and in the said accident, he lost his right leg. According to the learned counsel for the Petitioner, the Government has issued G.O.No.445/98 Finance (Pay Cell) Department dated 31.08.1998 whereby a sum of Rs.150/- per month was ordered to be paid as conveyance allowance to blind and orthopaedically handicapped government servants. It is further submitted that the state commissioner for disabled, by his proceedings dated 29.01.2008 also recommended the claim of the Petitioner to the second Respondent, but till date, no order has been passed and prayed this Court to direct the second Respondent to consider the claim of the Petitioner in the light of the recommendation of the State Commissioner for disabled. Hence, he had made a representation dated 20.05.2008. The same was rejected by the second Respondent by letter dated 26.05.2008. Hence the present Writ Petition.

3.Earlier, the Writ Petitioner filed WP.No.8515 of 2008 seeking direction to the second Respondent to disburse the travelling allowance from 04.07.1984



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to 29.02.2008 as per the G.O.No.445/98 issued by Finance (Pay Cell) Department dated 31.08.1998. By order dated 08.04.2008, the same was disposed of by this Court with a direction to the second Respondent to consider the claim of the Petitioner in the light of the recommendations dated 29.01.2008 of the State Commissioner for disabled.

4.Pursuant to the said order, the Petitioner made a representation to the second Respondent along with copy of the said order. By order dated 26.05.2008, the second Respondent herein has rejected the same, stating that the Tamil Nadu State Transport Corporation has issued order to grant Rs.75/- only to the blind employees as travelling allowance and not for other physically challenged employees.

5.Heard the learned counsel for the Petitioner and the learned counsel for the Respondent.

6.A perusal of G.O.No.445/98 issued by Finance (Pay Cell) Department dated 31.08.1998 reveals that it is made applicable only to Government employees including employees, Teachers working under local bodies and also



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to the teaching and non teaching employees in aided educational institutions and not employee of Transport department. In view of the specific classification mentioned in the G.O., this Court rejects the prayer of the Petitioner.

7.In the presiding paragraphs, this Court has rejected the request of the Petitioner, who was 85% physically disabled (Orthopaedically disabled) employee of the Transport Corporation, since the G.O.No.445/1998 was issued to cover the government employees, teachers and persons working under the local bodies and also the teaching and non-teaching employees in the aided educational institutions and not for the employees of the Transport Department.

8.Hence, I find that equally placed persons should be treated equally and when the persons with blindness has been granted Travelling Allowance of Rs.75/-, and physically disabled persons in the department mentioned supra, have been given the benefit, similar benefit should be extended to the employees in the Transport Corporation also. Therefore, this Court recommends to the State Government to consider the plight of the physically disabled persons working in the Transport Corporation to provide them the Travelling Allowance on par with the above stated persons as covered in G.O.No.445/1998 issued by



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Finance (Pay Cell) Department, dated 31.08.1998 and for the above purpose, copy of this order shall be forwarded to the Secretary, Transport Department, Fort St. George, Chennai for consideration and to pass necessary orders.

9. With these observations, the writ petition is disposed of. No costs.

04.07.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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To

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