



W.P.(MD)No.1012 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1012 of 2023

and

W.M.P(MD)No.956 of 2023

T.Rengarajan

... Petitioner

Vs.

The Superintendent Engineer,
(Electricity Distribution Circle),
TANGEDCO,
Dindigul.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the respondent in his proceedings No.204/125/ADM-II/JA.1/F.DKT/2022 dated 17.05.2022 and quash the same and consequently directing the respondent herein to appoint the petitioner in any suitable post under the respondent corporation on the basis of representation dated 20.06.2022 within the time stipulated by this Court.



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For Petitioner : Mr.J.Vishnu
For Respondent : Mrs.M.Maheswari

ORDER

This writ petition has been filed challenging the impugned order passed by the respondent dated 17.05.2022 and to quash the same and consequently direct the respondent to appoint the petitioner in any suitable post under the respondent Corporation, on the basis of his representation dated 20.06.2022.

2. The case of the petitioner is that he was appointed as Wireman in the respondent Corporation in the year 2009. Due to paralytic stroke, his one hand and one leg became inoperative and he was taking medical treatment from 08.01.2020 till 01.02.2021. Thereafter, he cannot continue in the post of Wireman. Hence, he has approached the respondent Corporation seeking to give alternative employment. Without considering the said representation, the respondent Corporation has rejected the same and



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declared that the petitioner is unfit to continue in the present job, considering the nature of his illness. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner is unable to perform duty as Wireman, he has to give alternative employment under Section 47 of the Rights of Persons with Disabilities Act, 2016. But without considering the same, the impugned order has been passed, which is not sustainable one. Hence, he prayed for setting aside the impugned order passed by the respondent.

4. The learned counsel appearing for the respondent Corporation would submit that the petitioner was appointed as Wireman in the respondent Corporation in the year 2009. He suffered with Paralytic attack and after examination, the Medical Board certified that the petitioner is unfit for Wireman post of TANGEDCO, vide proceedings dated 25.01.2022. He was invalidated from service, as per Regulations 80 and 85 of the Tamil Nadu Electricity Board Service Regulations and the retirement benefit form



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was furnished to him, as per Regulation 86 of Tamil Nadu Electricity Board Service Regulation. But he has not submitted the claim form so far. Now, there is no employer and employee relationship between the petitioner and the respondent Corporation. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent Corporation.

6. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the respondent Corporation in the year 2009 and due to paralytic attack, his one hand and one leg became inoperative and he physically disabled for Wireman post. Therefore, the respondent Corporation invalidated the petitioner from service as per Regulations 80 and 85 of the Tamil Nadu Electricity Board Service Regulations. Challenging the same, the petitioner has filed the present writ petition. However, the fact remains that as per Section 47 of the Rights of Persons with Disabilities Act, 2016, the petitioner is entitled to get



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alternative employment. But without giving any alternative employment to the petitioner in the TANGEDCO, completely invalidated the petitioner from service, which is not sustainable one. Hence, the impugned order passed by the respondent dated 17.05.2022 is set aside and the matter is remitted back to the respondent Corporation, for providing suitable post available in the respondent Corporation, in terms of Disabilities Act 2016, to the petitioner.

7. In the result, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.02.2023

NCC : Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv

To

The Superintendent Engineer,
(Electricity Distribution Circle),
TANGEDCO,



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M.DHANDAPANI,J.

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