



W.P.(MD)No.1724 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1724 of 2023

K.Thulasidoss

... Petitioner

Vs.

- 1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited.,
Rep. by its Managing Director,
Kumbakonam – 612 001.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited.,
Pudukkottai Region,
Pudukkottai District.
- 3.The Administrator,
The Tamil Nadu State Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallvan Salai,
Chennaia.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of the respondents in treating the period of disengagement of 76-1/2 days of the



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petitioner from May 2022 to August 2022 due to defective color vision as leave on loss of pay, is illegal and contrary to Section 20(4) of Rights of Persons with Disabilities Act 2016 and consequently direct the respondents to count the said period as duty with pay for all purposes including for calculation of pension, gratuity and provident fund etc.

For Petitioner : Mr.A.Rahul
For R-1 & R-2 : Mr.J.Jagadeesbalan
For R-3 : Mr.S.C.Herold Singh

ORDER

This writ petition has been filed to declare the action of the respondents in treating the period of disengagement of 76-1/2 days of the petitioner from May 2022 to August 2022 due to defective color vision as leave on loss of pay, is illegal and contrary to Section 20(4) of Rights of Persons with Disabilities Act 2016 and consequently direct the respondents to count the said period as duty with pay for all purposes including for calculation of pension, gratuity and provident fund etc.

2. The case of the petitioner is that he joined the first respondent Corporation as a Driver w.e.f 01.01.1999. Thereafter, he was designated



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as Senior Driver and then, Selection Grade Driver. While being so, the petitioner underwent Cataract Surgery in Aravind Eye Hospital in the year 2021. After surgery, the Doctors certified that the vision of the petitioner has not improved. Therefore, referred the petitioner to the Government Eye Hospital, Egmore, Chennai. The Special Medical Board of the said hospital issued a certificated, dated 09.04.202, certifying that the petitioner is not fit for driving since he suffered from defective colour vision. Based on the same, the first respondent provided alternative employment to the petitioner. However, the grievance of the petitioner is that he kept out of work for the period from 07.06.2022 to 26.07.2022. For regularization of such period, the petitioner has made a representation to the respondents 1 and 2. However, the same has not been considered so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents 1 and 2, are directed to consider the representation of the petitioner, dated 22.08.2022, on merits and in



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accordance with law, within a specified period.

4. The learned Standing Counsel appearing for the respondents 1 and 2, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents 1 and 2, to consider the petitioner's representation, dated 22.08.2022 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.
No costs.

30.01.2023

pm
NCC:Yes/No
Index:Yes/No

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M.DHANDAPANI,J.

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