



W.P.(MD)Nos.9163 of 2020, 919 of 2021 &13566 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9163 of 2020

and

W.M.P(MD)No.8378 of 2020

and

W.P(MD)No.919 of 2021

and

W.M.P(MD)No.773 of 2021

and

W.P(MD)No.13566 of 2022

and

W.M.P(MD)Nos.9655, 9656 of 2022

W.P(MD)No.9163 of 2020:

C.Babu Rajan

... Petitioner

Vs.

1.The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai – 2.



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3. Mr.K.Elangovan,
The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai – 2.

4. The General Manager(Administration)
State Express Transport Corporation,
Pallavan Street,
Chennai -600 002.

5. The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER:Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No. 055698/Ma.Va3/SETC/2016, dated 23.07.2020 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to post the petitioner/a person with disability in any light duty post which equivalent to the present position of the petitioner(Selection Grade Senior Conductor, EDP.No.30006, Kanyakumari Depot) within the time stipulated by this Hon'ble Court.



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For Petitioner

: Mr.S.Louis

For R1

: Mr.G.V.Vairam Santhosh,
Additional Government Pleader

For RR2, 4 & 5

: Mr.S.C.Herold Singh

W.P(MD)No.919 of 2021:

C.Babu Rajan

... Petitioner

Vs.

- 1.The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.
- 2.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai – 2.
- 3.The General Manager(Administration)
State Express Transport Corporation,
Pallavan Street,
Chennai -600 002.
- 4.The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER:Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order in Letter No. 055698/Ma.Va3/SETC/2016, dated 28.12.2020 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to post the petitioner/a person with disability in any light duty post which is equivalent to the present position of the petitioner (Selection Grade Senior Conductor, EDP No.30006, Kanyakumari Depot) within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For R1	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R-2 to R-4	: Mr.S.C.Herold Singh

W.P(MD)No.13566 of 2022

C.Babu Rajan

... Petitioner

Vs.

- 1.The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai – 2.
- 2.The General Manager(Administration)
State Express Transport Corporation,
Pallavan Street,
Chennai -600 002.



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3. The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari -629702
Kanyakumari District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in circular No.055698/Ma.Va. 3/SETC/2016, dated 21.06.2022 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to post the petitioner/a person with disability in any sanctioned light duty post like Time Keeper in Thiruvananthapuram or Marthandam or Controller in Control Section within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.C.Herold Singh

COMMON ORDER

Since the issue arise in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2. The case of the petitioner is that the petitioner is a person with 50% disability and considering the disability of the petitioner, he was



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given posting as Time Keeper at Kanyakumari Branch. However, subsequently, vide the impugned order, dated 17.12.2019, he was posted in the Cash & Ticket Section. Though it is claimed that the said post is equivalent to the post of Selection Grade Senior Conductor, the same is not mentioned in the impugned order. Hence, challenging the same, the petitioner has filed W.P(MD)No.9163 of 2020. Subsequently, the petitioner has made a representation to the respondents expressing his willingness to join duty in any light duty post like Controller in Control Section and Time Keeper in any nearby bus stand or Regulation duty in the Control Section. However, the said request of the petitioner was rejected vide the order of the second respondent, dated 28.12.2020. Challenging the same, the petitioner has filed W.P(MD)No.919 of 2021. While the matter stood thus, the second respondent has issued the impugned order, dated 21.06.2022 and the petitioner is made to serve without posting him in any particular post and to carry on any work assigned by the Branch Manager, which is highly arbitrary. Hence, challenging the same, the petitioner has filed W.P(MD)No.13566 of 2022.



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3. The learned counsel appearing for the petitioner would submit that as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016, the petitioner has to be posted in light duty in a particular post. However, without mentioning the name of the post, the petitioner was directed to work, which is not sustainable and hence, prays for appropriate orders.

4. The learned standing counsel appearing for the respondents would submit that the petitioner was given equivalent post as that of Selection Grade Senior Conductor with same batch number. However, the post name will be declared as soon as possible.

5. In view of the above, this Court is of the view that mere posting is not sufficient and the respondents have to mention the post name giving pay protection on par with Selection Grade Senior Conductor with the very same batch number.



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6. These writ petitions are disposed of with the above observation.

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No Costs. Consequently, connected Miscellaneous Petitions are closed.

24.02.2023

pm

NCC:Yes/No

Index:Yes/No

To

The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.



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M.DHANDAPANI, J.

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