



W.P.(MD).No.22723 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22723 of 2023

A.Karthigairaj

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region, Bye Pass Road,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 06.09.2023 providing the petitioner alternative permanent employment with pay protection, continuity of service, back wages 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 and pay the petitioner's



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arrears of salary from 21.12.2022 to till the date of providing permanent alternative employment.

For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.S.Raja
Standing Counsel

ORDER

The present Writ Petition has been filed by a Conductor working in the respondent Transport Corporation seeking a Mandamus against the Corporation to consider the petitioner's representation, dated 06.09.2023 for providing alternate permanent employment on the ground of his ill health.

2. The same writ petitioner has already filed a writ petition in W.P(MD) No.7051 of 2023 seeking a Mandamus directing the Transport Corporation to employ the petitioner as a Watchman in Thirumangalam Depot. The said writ petition was disposed of on 27.04.2023 directing the employer to consider the petitioner's representation and pass appropriate orders within a period of five weeks from the date of receipt of a copy of this order.



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3. The respondent Corporation has considered the said request and passed an order on 09.10.2023 to the effect that the writ petitioner was provided with the job of the Cashier in Thirumangalam Branch. However, he has not reported for duty and remained absent unauthorisedly.

4. Therefore, it is clear that the petitioner is not willing to take up any alternative employment that is provided by the respondents Management.

5. In view of the above said facts, the request of the petitioner cannot be considered. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

10.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Managing Director,

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Tamil Nadu State Transport Corporation
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2. The General Manager,
Tamil Nadu State Transport Corporation
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R.VIJAYAKUMAR,J.



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