



W.P.(MD) No.3985 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON : 07.09.2023

ORDERS PRONOUNCED ON : 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.3985 of 2013

Rajendran

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, Railway Station New Road,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Thirumayam Road, Pudukkottai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Cantonment, Trichy.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the



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2nd respondent in Tha.A.Poka/Kum./Pudu/papi-1/1001 dated 06.01.2006 and quash the same as arbitrary, capricious and illegal and consequently direct the respondents to grant alternate employment to the petitioner as per the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (1995) with backwages and other attendant benefits.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents and perused the material available on record.

2. As per the averments of the affidavit filed by the petitioner along with this writ petition, he has completed Higher Secondary Course in the year 1993. He also completed Heavy Vehicle Driving Training Course conducted by the Institute of Road Transport, Tharamani, Chennai. The petitioner was directed to appear for interview on 14.09.2000 and on



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verification of the certificates and testing the efficiency in driving of the petitioner, he was selected as Driver of the 1st respondent-Corporation *vide* proceedings of the Deputy Manager, dated 05.12.2000. Immediately after the selection, he was directed to pay the tuition fee of Rs.2,500/- and he remitted the same on 08.12.2000 and underwent training programme for Driver for one month. From 05.01.2001 onwards, he was successfully discharging his duty as Heavy Vehicle Driver.

3. While he was on duty on 11.07.2002, while he was driving the Transport Corporation Bus, bearing Registration No.TN-55-N0134 from Devakottai to Trichy at about 10.40 p.m near Burma Colony, Karaikudi, some miscreants pelted stones at the bus and the glasses of the bus were broken and due to that untoward incident, he sustained grievous injury in his right eye. The Conductor of the bus lodged a criminal complaint about that incident with the Karaikudi North Police Station and a case was registered in Crime No.290 of 2002 for the offence under Sections 323, 336 and 3(1) of PPD Act. The said incident was occurred during the course of his employment.



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4. In the year 2005, a settlement was arrived between the employees and the respondent-Corporation and accordingly, the petitioner was directed to undergo a period of 240 days of Driver as daily wages by proceedings of the 2nd respondent in Tha.A.Po.Ka./Kumba/Pa.Pi/P1/420/2005, dated 01.09.2005. The petitioner was directed to submit medical certificate. The Ophthalmologist, who examined the petitioner at Pudukkottai, issued a certificate that due to the injury sustained by him in the right eye, which developed some problem, he was not in a fit position to act as a Driver. The said certificate was not provided to the petitioner and the respondents advised him to produce a certificate from Sankaran Nethralaya Institute, Chennai about his physical eligibility. He appeared before the Sankaran Nethralaya Institute, Chennai and they issued certificate dated 09.09.2006 certifying that the petitioner was fit to drive the vehicle with the present vision. In spite of the certificate issued by the competent Medical Practitioner of the Sankaran Nethralaya Institute, Chennai, the 2nd respondent *vide* proceedings in Tha.A.Poka./Kum./Pudu/papi-1/1001, dated 06.01.2006, terminated the petitioner from service. The said proceedings are challenged in the present writ petition.



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5. A counter affidavit has been filed by the respondents.

6. As per the averments of the counter affidavit, the petitioner was appointed as casual labour in Driver category in the year 2001 in the respondent-Corporation to meet out the urgent need of Drivers due to festival and special operations in the year. His services were utilized then and there on need basis and it was not continuous one. As per Section 12(3) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the I.D.Act”) a wage settlement was entered into between the Management of all State Transport Corporations and Trade Union in the presence of Labour Department on 31.08.2005, which was taken effect from 01.09.2005 to appoint a number of Casual Drivers and Conductors, who were working as casual labours at that time and they were taken into service as daily paid employees against permanent vacancies. Accordingly, the petitioner was appointed as daily wage Driver with effect from 01.09.2005 *vide* their office order dated 01.09.2005.



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7. In the said order, it was clearly mentioned that the candidates will be regularized only on verification of the genuineness of the certificates produced by them and medical examination reports for eyesight, hearing and tolerance etc., otherwise they will be terminated from service without any prior intimation. After completion of the daily wages period, all other employees were regularized as per eligibility. As per the condition of the employment, the petitioner was subject to medical examination, in which it was found that he was having defect in his right eye and the same was also confirmed by the Ophthalmologist of Sankaran Nethralaya Institute, Chennai. Since the petitioner was not having good vision, his temporary appointment was cancelled by the respondent-Corporation *vide* proceedings dated 06.01.2006. The petitioner's statement of eye vision defect by an accident, while on service on 11.07.2002, is not true, since the petitioner has not reported to the respondent-Corporation at the time of accident and the petitioner has not made any claim before the lower authorities in this regard. It is also averred that the petitioner has not raised any dispute under Section 2A of the I.D.Act after issuance of the termination order.



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8. Learned counsel for the petitioner would submit that even though the petitioner was not qualified to be appointed as Driver, having regard to the defect in his right eye and having regard to the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as “the Act 1995”), the petitioner is entitled to alternate employment and the 2nd respondent is bound to provide the petitioner with alternate employment and therefore, cancellation of his employment without providing alternate employment is illegal and it amounts to wrongful termination and therefore, sought to set aside the impugned order and requested to direct the respondents to provide alternate employment to the petitioner.

9. To substantiate his contention, learned counsel for the petitioner has placed reliance on the following judgment/order of the Hon'ble Apex Court and this Court:

i. Bhagwan Dass and another v. Punjab State Electricity Board
reported in ***(2008) 1 SCC 579***;



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ii. *Durairaj v. The General Manager, Tamil Nadu State Transport Corporation Ltd.*, [W.P.(MD) No.2967 of 2010, dated 08.04.2010]

and

iii. *The Management of State Express Transport Corporation (Tamil Nadu) Ltd., v. M.Arumugam* [W.A.(MD) No.798 of 2017, dated 06.07.2017]

10. Learned Standing Counsel appearing for the respondents contends that as per the condition of the employment, the petitioner was subject to medical examination and it was found that he was having defect in his right eye. Since the petitioner was not having good vision, the 2nd respondent passed order cancelling the appointment order dated 01.09.2005 by the impugned order dated 06.01.2006. Learned Standing Counsel further contends that the petitioner is not entitled for the benefit under the Act 1995 and sought to dismiss the writ petition.

11. Having heard the submissions of the respective counsels and upon careful examination of the material available on record, it appears that



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originally the petitioner was appointed in the year 2000 as Casual Driver and he continuously worked till 2005. As per the wage settlement entered under Section 12(3) of the I.D.Act on 31.08.2005, the petitioner was appointed as daily wage Driver with effect from 01.09.2005 subject to certain conditions. It is also an admitted fact that as per one of the conditions, the petitioner was subject to medical examination and it was found that he was having defect in his right eye.

12. The contention of the petitioner is that the defect of vision in his right eye is due to the untoward incident happened on 11.07.2002 during his course of employment, when some miscreants pelted stones at the bus while he was driving. It is the contention of the petitioner that with regard to the said incident, the Conductor of the bus lodged a criminal complaint and the same was registered as Crime No.290 of 2022 under Sections 323, 336 and 3(1) of PPD Act by the Karaikudi North Police Station. Admittedly, there is no whisper about the registration of the criminal case with regard to the said incident in the counter affidavit filed by the respondent-Corporation except making statement that the occurrence of that incident on 11.07.2002 is not true. Under the circumstances, it has to be



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considered that due to the untoward incident happened on 11.07.2002, the petitioner sustained injury to his right eye and that is the reason for defect in the right eye vision of the petitioner.

13. In fact, this writ petition was dismissed by this Court by order dated 14.03.2013 and one of the reasons for dismissal of the writ petition is that “the writ petition is filed in the year 2013 against the order dated 06.01.2006 and accordingly, it is dismissed on the ground of delay and latches”. Aggrieved by the same, the petitioner filed a writ appeal in W.A. (MD) No.376 of 2013. After hearing both sides in detail, the appellate Court by order dated 14.03.2013, remitted the matter back to the Writ Court. Accordingly, this case is come up before this Court.

14. With regard to the delay in approaching this Court, against the impugned order, this Court is of the opinion that the petitioner may not aware of any protection provided to him under the provisions of the Act 1995. As the petitioner was working as Driver since 2000 and he was brought on permanent employment under daily wages in the year 2005, the termination order passed by the 2nd respondent in the year 2006 would cause him mental pressure and in fact, it is the duty of the Corporation officers to



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inform the legal protections available to him. But in this case, the officers of the respondent-Corporation, without taking such steps, simply terminated the petitioner from service.

15. In identical circumstances, the Hon'ble Apex Court in the case of **Bhagwan Dass** (stated *supra*), held at paragraphs 18 and 19 as extracted hereinunder:

“18. Appellant 1 was a Class IV employee, a lineman. He completely lost his vision. He was not aware of any protection that the law afforded him and apparently believed that the blindness would cause him to lose his job, the source of livelihood of his family. The enormous mental pressure under which he would have been at that time is not difficult to imagine. In those circumstances it was the duty of the superior officers to explain to him the correct legal position and to tell him about his legal rights. Instead of doing that they threw him out of service by picking up a sentence from his letter, completely out of context. The action of the officers concerned of the Board, to our mind, was deprecable.



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19. We understand that the officers concerned were acting in what they believed to be the best interests of the Board. Still under the old mindset it would appear to them just not right that the Board should spend good money on someone who was no longer of any use. But they were quite wrong, seen from any angle. From the narrow point of view the officers were duty-bound to follow the law and it was not open to them to allow their bias to defeat the lawful rights of the disabled employee. From the larger point of view the officers failed to realise that the disabled too are equal citizens of the country and have as much share in its resources as any other citizen. The denial of their rights would not only be unjust and unfair to them and their families but would create larger and graver problems for the society at large. What the law permits to them is no charity or largesse but their right as equal citizens of the country.”

16. With regard to providing alternate employment to the disabled employee, this Court in an identical issue in ***Durairaj*** (stated *supra*), while considering the applicability of Section 47 of the Act 1995 and considering



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various judgments of the Hon'ble Apex Court and this Court, passed the order as extracted hereinunder:

“3. Section 47 of the Act, which relates to non-discrimination in Government Employment, reads as under:-

"47.Non-discrimination in Government employment.-(1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service:

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such



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notification, exempt any establishment from the provisions of this section."

4. It is clear from the above that no establishment shall dispense with the services of an employee who acquired a disability during his service. The said provision has been framed with specific reference to Article 41 of the Constitution of India. It makes further clear that even in special cases, a person who has acquired disability and is not suitable for the post he was holding, he should be shifted to some other post with the same scale of pay and service benefits. The provision further contemplates that even in cases where such person could not be shifted to some other job, he must be kept on a supernumerary post either, until a suitable post is available or until the age of superannuation, whichever is earlier. Therefore, a combined reading of Section 47 of the Act with the above definition clauses, show the protection given to a person who is physically disabled, is to the protection of his services to the fullest possible extent, which is needed in respect of protecting the rights of disabled persons, which are also treated as coming within the ambit Article 21 of the Constitution of India. Therefore even the physically disabled persons have a right to live like other persons, who is of normal physical nature. The ambit of the



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provision came to be analysed by the Supreme Court in Kunal Singh v. Union of India and another reported in (2003) 4 Supreme Court Cases 524. The Supreme Court, in that case, considered the ambit of the Act with particular reference to Section 47 of the Act, in the context of pension payable to a Central Government Employee under CCS (Pension) Rules, by raising the issue as a question of law, and has also held that a person does not acquire or suffer disability by choice. The employee who acquired disability during the course of his service, is sought to be protected by Section 47 of the Act and therefore it was held that Section 47 casts a statutory obligation on the employer to protect the employee acquiring disability during service. The Supreme Court has further traced the object of the said legislation to the meeting called "Meet to Launch the Asian and Pacific Decades of Disabled Persons" held in Beijing in December 1992. The Supreme Court ultimately held that the Act provides some sort of succour to the disabled persons. Shivaraj V.Patil, J., (His Lordship as he then was) while discussing about the need to a comprehensive legislation which has been achieved by the present Act, has observed as follows:-

"8. The need for a comprehensive legislation for safeguarding the rights of persons with



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disabilities and enabling them to enjoy equal opportunities and to help them to fully participate in national life was felt for a long time. To realize the objective that people with disabilities should have equal opportunities and keeping their hopes and aspirations in view a meeting called the "Meet to Launch the Asian and Pacific Decades of Disabled Persons" was held in Beijing in the first week of December 1992 by the Asian and Pacific countries to ensure "full participation and equality of people with disabilities in the Asian and Pacific regions". This meeting was held by the Economic and Social Commission for Asia and Pacific. A proclamation was adopted in the said meeting. India was a signatory to the said proclamation and agreed to give effect to the same. Pursuant thereto this Act was enacted, which came into force on 1-1-1996. The Act provides some sort of succour to the disabled persons.

9. Chapter VI of the Act deals with employment relating to persons with disabilities, who are yet to secure employment. Section 47, which falls in Chapter VIII, deals with an employee, who is already in service and acquires a disability during his



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service. It must be borne in mind that Section 2 of the Act has given distinct and different definitions of "disability" and "person with disability". It is well settled that in the same enactment if two distinct definitions are given defining a word/expression, they must be understood accordingly in terms of the definition. It must be remembered that a person does not acquire or suffer disability by choice. An employee, who acquires disability during his service, is sought to be protected under Section 47 of the Act specifically. Such employee, acquiring disability, if not protected, would not only suffer himself, but possibly all those who depend on him would also suffer. The very frame and contents of Section 47 clearly indicate its mandatory nature. The very opening part of the section reads "no establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service". The section further provides that if an employee after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits; if it is not possible to adjust the employee against any post he will be kept on a supernumerary post until a suitable



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post is available or he attains the age of superannuation, whichever is earlier. Added to this no promotion shall be denied to a person merely on the ground of his disability as is evident from sub-section (2) of Section 47. Section 47 contains a clear directive that the employer shall not dispense with or reduce in rank an employee who acquires a disability during the service. In construing a provision of a social beneficial enactment that too dealing with disabled persons intended to give them equal opportunities, protection of rights and full participation, the view that advances the object of the Act and serves its purpose must be preferred to the one which obstructs the object and paralyses the purpose of the Act. Language of Section 47 is plain and certain casting statutory obligation on the employer to protect an employee acquiring disability during service."

5. Therefore the protection of the service condition of a disabled person has become a mandate on the part of the establishment as employer. The term "establishment" has been defined in Section 2(k) of the Act, within which ambit, the respondent-Corporation is clearly covered. Section 2(k) reads as follows:-



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"(2)(k) "establishment" means a corporation established by or under a Central Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act 1956 (1 of 1956) and includes Departments of a Government;"

6. The dictum laid down by the Supreme Court in the Kunal Singh's case has been consistently followed by the Supreme Court, as it is seen in its latest judgment in Bhagwan Dass & Anr. v. Punjab State Electricity Board, reported in 2008 (1) Supreme 75. In that case, the concerned employee who became totally blind during the course of his employment has sought for protection under the Act. In fact, the Hon'ble Apex Court has taken note of the fact that the poor employee against whom a charge sheet was framed in the year 1994 on the basis that he has failed to report for duty the reason of which was came to be ascertained after many years that he became blind and where the employer raised an issue that the employee has kept quiet for many years, and came down heavily against the employer stating that it was the duty on the part of the superior officer of the employer to explain to the employee about the correct legal position and



his legal rights. In spite of not informing him about the legal rights, disciplinary proceedings were initiated against the employee, as if the workman has abstained from his duty. The Supreme Court has also held that such conduct of the employer is deprecable, as the law has provided a statutory right to such employee who acquires disability during the course of his employment. The relevant paragraph of the judgment of the Supreme Court reads as under:-

"12. Appellant No.1 was a Class IV employee, a Lineman. He completely lost his vision. He was not aware of any protection that the law afforded him and apparently believed that the blindness would cause him to lose his job, the source of livelihood of his family. The enormous mental pressure under which he would have been at that time is not difficult to imagine. In those circumstances it was the duty of the superior officers to explain to him the correct legal position and to tell him about his legal rights. Instead of doing that they threw him out of service by picking up a sentence from his letter, completely out of context. The action of the concerned officers of the Board, to our mind, was deprecable."



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7. *The enforcement of the said Act and the acquisition of benefits therein is in addition to other benefits availed of by such employee, under other laws like Workmen Compensation Act. In fact for the purpose of having the statutory obligation under Section 47 of the Act, it is not necessary that disability should have been acquired due to the nature of employment undergone by a worker. What is required for the benefit to be given under the Act is that, such an employee should have acquired the disability within the meaning of the terms under the Act, immaterial as to whether such disability was acquired due to the nature of employment or otherwise. Therefore, even in cases where due to the nature of employment, such disability is acquired, in which case, the workman would be entitled for the benefit under the Workmen Compensation Act and what is provided under Section 47 of the Act, is certainly in addition to whatever benefits he would have acquired under the Workmen Compensation Act. This view has been expressed by a Division Bench of this Court in G.Muthu v. The Management of Tamil Nadu State Transport Corporation (Madurai) Ltd., reported in 2007-1-L.W.146. That was a case where, on the ground of colour blindness, an employee of the Corporation was refused to be given alternate employment. While explaining about the term*



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"acquired disability" the Division Bench has observed as follows:-

“15. Having regard to the special features contained in the said Section 47, providing for such a special benefit to an existing employee in an establishment when he acquires a 'disability' as held by us earlier, the application and implementation of the said provision will have to be ensured independent of various other benefits provided under the various other provisions falling under Chapters IV to VII of the Act which are meant for persons 'with disability'. Having regard to the said distinctive features contained in Section 47 of the Act, as compared to the other provisions, we are of the considered opinion that the context in which the benefit has been conferred under Section 47 stands apart from the context of all other provisions where various other benefits have been conferred. In other words, we are of the firm view that the opening set of expressions contained in the definition clause, namely Section 2, which denotes "unless the context otherwise requires" squarely gets attracted to Section 47 and therefore the definition of 'disability' as defined under Section 2(i) cannot be blindly applied



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to the term 'disability' which has been used in Section 47 of the Act. In other words, the term 'disability' used in Section 47 can draw support not only in respect of the defined 'disabilities' as contained in Section 2(i) of the Act but will also encompass such other 'disabilities' which would disable a person from performing the work which he held immediately prior to acquisition of such 'disability' and thereby entitle him to avail the benefits conferred under the said provision for having acquired such a 'disability'."

8. *The established judicial dictum has been consistently followed by this Court in many other cases including in V.Palanishanmugavel v. The General Manager, Tamil Nadu State Transport Corporation (Madurai) Ltd., Tirunelveli, reported in 2007(4) CTC 478 in which I have decided the issue. Again in K.Kamatchi v. Managing Director, Tamil Nadu State Transport Corporation, Madurai, reported in (2006) 1 M.L.J. 394, it has been stated that the above Act has been consciously engaged in this country due to the reason that India has become one of the signatory of the proclamation in the meeting held in Beijing in the first week of December 1992 by the Asian and Pacific countries, and it is not only a social legislation but also a beneficial enactment implementing the directives under the Directive Principles of*



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State Policy under the Constitution of India.

9. Inasmuch as the benefit conferred under the Act, which shows that it is the legal obligation and predominant duty of the employer to provide employment to the disabled employee, I am of the considered view that the case of the petitioner who had not chosen to knock the doors of the Court from the year 2001 till the date of filing of the writ petition, does not mean that he ceased to have the benefits under the Act, as opined by the Supreme Court in Bhagwan Dass & Anr. v. Punjab State Electricity Board, reported in 2008(1) Supreme 75. It is the duty of the employer, in such circumstances, to explain to the workman about the legal right available. As far as the respondent-Corporation is concerned, since it has suffered many orders in similar circumstances under the provisions of the Act, it cannot be heard from such Corporation that the petitioner has kept quiet for many years and therefore the benefits should not be conferred on him.

10. In such view of the matter, the impugned order of the respondent-Corporation in terminating the petitioner from the services is totally unsustainable and opposed to basic tenets of the Act (Act 1 of 1996). Accordingly, the impugned order stands set aside and the writ petition is



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allowed with a direction to the respondent-Corporation to continue the services of the petitioner under the respondent-Corporation since the date of the impugned order of termination i.e. 17.08.2001, with all monetary and other benefits as provided under the Act and it is open to the respondent-Corporation to provide alternate employment without impairing monetary and other benefits which the petitioner is entitled. Such exercise, with payment of all the monetary arrears to the petitioner, shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, M.P.(MD)No.1 of 2010 is closed. No costs.”

17. The main contention of the respondent-Corporation is that the petitioner is not a permanent employee and as such, he is not entitled for the protection under Section 47 of the Act 1995.

18. In the considered opinion of this Court, this contention of the respondents is untenable for the reason that the petitioner was discharging his duty as Driver in the respondent-Corporation since 2000 and as per the wage settlement entered by the respondent-Corporation with the Trade



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Union in the presence of the Labour Department on 31.08.2005 under Section 12(3) of the I.D.Act, the petitioner was appointed as daily wage Driver with effect from 01.09.2005. In view of the fact that the petitioner suffered eye injury in the untoward incident occurred on 11.07.2002 while the petitioner was during the course of his employment and the loss of vision of his right eye was due to that reason, he is entitled for the benefit under Section 47(1) of the Act 1995. Under these circumstances, this Court has no hesitation to hold that though the service of the petitioner was not regularized, subsequent to the order dated 01.09.2005 appointing the petitioner as daily wage Driver, he is entitled for the benefit under Section 47 of the Act 1995, which is a beneficial legislation.

19. In the case of ***M.Arumugam*** (stated *supra*), while dealing with an issue in similar set of facts, a Division Bench of this Court rejected the contention of the Transport Corporation holding at Paragraph No.4 of the judgment as extracted hereinunder:

“4.The learned counsel appearing for the appellant Corporation contended that the writ petitioner



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/ respondent herein was not entitled to claim the benefit under Section 47 of the said Act. This contention deserves to be rejected for the simple reason that the writ petitioner was appointed as Driver cum Conductor after holding a due selection process and that he suffered the said injury during the course of the employment. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is a beneficial piece of legislation. In section 47 of the said Act, it is mandated that no establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service. When the statute did not exclude the temporary employees out of the purview of the applicability of the provision, it is not open to the appellant corporation to raise the contention that the request made by the writ petitioner is not maintainable since he was only a temporary employee. The learned single Judge was right in allowing the writ petition and we see no reason to interfere with the same.”

20. For the above mentioned reasons and in the light of the orders of the Hon'ble Apex Court and this Court, in the considered opinion of this



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Court, the impugned order of the 2nd respondent in terminating the petitioner from service is illegal, unjust, irrational and violative of Article 21 of the Constitution of India and against to the aim and object of the Act 1995 and it is liable to be set aside.

21. Accordingly, this Writ Petition is allowed with the following directions:

- i. The impugned order of the 2nd respondent in Tha.A.Poka/Kum./Pudu/papi-1/1001, dated 06.01.2006 is hereby set aside;
- ii. The Respondents No.1 and 2 are directed to reinstate the petitioner into service with all monetary and other benefits as provided under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and provide alternate employment with all benefits for which the petitioner is entitled; and



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iii. The Respondents No.1 and 2 are directed to complete such exercise within a period of six weeks from the date of receipt of a copy of this order.

22. There shall be no order as to costs.

06.10.2023

Note: Issue order copy by 10.10.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1. Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, Railway Station New Road,
Kumbakonam, Thanjavur District.

2. The General Manager,
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3.The Branch Manager,
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