



W.P.No.20681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20681 of 2024

1. M.Sivakumar
2. T.Nagaraj
3. M.Vijayakumar
4. E.Subbiah Suryakumar
5. R.Murugan
6. R.Radhakrishnan
7. S.Saravanan
8. S.Saravanan

...Petitioners

-Vs-

1. The Secretary,
Transport Department,
Government Of Tamilnadu,
Secretariat, Chennai 600 009.
2. The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Limited,
No 3/137, Salamedu, Vizhupuram,
Vizhupuram District 605 602.
3. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Anna Salai, Chennai 600 002.
4. The Managing Director,



W.P.No.20681 of 2024

State Express Transport Corporation
(Tamilnadu) Limited,
Pallavan Salai 600 002.

5. The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
46, Railway Station New Road,
Kumbakonam.
6. The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road,
Madurai 625 010.
7. The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road,
Salem 636 007.
8. The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore 641 043.
9. The Managing Director,
Tamil Nadu State Transport Corporation
(Thirunelveli) Limited,
Vannarappettai, Tvdm Road,
Thirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd to 9th respondent Corporations to follow the guidelines given in clause 5 (e) of G.O (Ms) No. 321 to 328 dated 31.10.2018 and as per clause 9 of 12 (3) settlement dated



W.P.No.20681 of 2024

28.09.1995.

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For Petitioners	: Mr.S.T.Varadarajulu
For R1	: Mr.E.Vijay Anand Additional Government Pleader
For R2	: Mr.R.Venkatesa Perumal Standing counsel
For R3	: Mr.A.Vinothraj Standing counsel
For R4 and R9	: Mr.L.S.M.Hazan Fizal Standing counsel
For R6	: Mr.C.Gouthamaraj Standing counsel
For R7	: Mr.K.Raja Standing counsel
For R8	: Mr.Murali Vinoth Standing Counsel

ORDER

This Writ Petition has been filed for direction directing the 2nd to 9th respondent Corporations to follow the guidelines given in clause 5 (e) of G.O (Ms) No. 321 to 328 dated 31.10.2018 and as per clause 9 of 12 (3) settlement dated 28.09.1995.

2. Heard and perused the materials available on record.

3. The petitioners were appointed as Conductors and Drivers. Due to various reasons, the Conductors and Drivers are affected with medical illness and they become unfit to perform the duty of Conductors and Drivers.



W.P.No.20681 of 2024

Therefore, as recommended by the Medical Board, they were given alternative employment as per the Rights of Persons with Disabilities Act, 2016. However, it was not considered by the respondents. Thereafter, there was settlement under Section 12(3) of the Industrial Disputes Act, dated 28.09.1995. As per the settlement, in Clause 9, the respondents agreed not to change the post or category from the appointed/promoted post. It was brought to the knowledge of the Government and the Government passed order in G.O.(Ms).No.321 to 328 dated 31.10.2018, thereby issued guidelines to the respondents while placing the Drivers and Conductors in the alternative employment without changing their post or category.

4. In view of the above, the respondents 2 to 9 are directed to follow the guidelines issued in clause 5 (e) of G.O (Ms) No. 321 to 328 dated 31.10.2018 and as per clause 9 of 12 (3) settlement dated 28.09.1995, while placing the medically affected Drivers and Conductors in alternative employment. It is made clear that the respondents are at liberty to post the petitioners based upon their disability.

5. With the above directions, this writ petition is disposed of. There shall



W.P.No.20681 of 2024

be no order as to costs.

WEB COPY

26.07.2024

(1/2)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation: Yes/No

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To

1. The Secretary,



W.P.No.20681 of 2024

Transport Department,
Government Of Tamilnadu,
Secretariat, Chennai 600 009.

2. The Managing Director,
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Vizhupuram District 605 602.
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W.P.No.20681 of 2024

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WEB COPY



W.P.No.20681 of 2024

W.P.No.20681 of 2024

26.07.2024