



WP.(MD).No.6060 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6060 of 2024
and
W.M.P.(MD)No.5698 of 2024

S.Seenivasan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy Region,
Trichirappalli District.

3.The Branch Manager,
Trichy Moffussil Branch,
Trichy Region,
Periyamilaguparai,
Trichirappalli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to forthwith provide suitable



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permanent alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement I.e., from June 2023 to till date on which he is provided with alternative light duty as per section 20(4) of the Rights of Persons with Disabilities Act, 2016.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 1 and 2 herein to forthwith provide suitable permanent alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement I.e., from June 2023 to till date on which he is provided with alternative light duty as per section 20(4) of the Rights of Persons with Disabilities Act, 2016.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i)The petitioner joined duty on 27.05.2008 as a Driver in the respondents 1 and 2 Corporation. While, in the course of



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employment, he sustained severe back pain. As the result of which, he was admitted in Trichirappalli Frontline Hospitals and Research Institute from 26.03.2014 to 28.03.2014, thereby undergoing surgery in the spinal cord on 26.03.2014. His health condition deteriorated to such extent that he could not continue as a Driver with severe back pain. Despite the same, the respondent Corporation failed to provide him with alternative job from 2014 to 2022 in spite of several representations made by him. Thereafter, on 15.12.2022 while discharging duty, he was completely collapsed to such extent that he could not further continue as Driver. As the result of which, he did not attend duty on 15.12.2022. On medical advice, he took medical leave from December 2022. All leave applications were rejected. He was undergoing intense medical treatment on 22 days from 16.06.2023 to 06.07.2023.

(ii) He approached the respondents to allow him to undergo medical examination with the Rajiv Gandhi Government Hospital, Medical Board, at Chennai. Thereafter, he was examined by the Medical Board and he was declared by the said Board that the petitioner is not fit to continue as a Driver. The crux of the Medical report was that the petitioner's spinal cord C3, C4, C5, C6 and C7



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are severely affected. Following which, he gave several representations seeking alternative job and last on which, was made on 24.01.2024. Even then he was not provided with alternate job. Hence, this Writ Petition came to be filed.

4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents and carefully perused the entire materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, this Court hereby direct the respondents to forthwith provide the petitioner with suitable



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permanent alternative employment to the petitioner with pay protection, continuity of service and backwages from the date of disengagement I.e., from June 2023 to till date as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 within a period of 12 weeks from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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