



WP(MD) No.9488 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9488 of 2024

T.Sivakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Division),
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Thiruvattar Depot,
Thiruvattar, Kanyakumari District.



WP(MD) No.9488 of 2024

4.The Chairman,

Regional Medical Board,

Rajiv Gandhi Government General Hospital,

Chennai – 600 003.

...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 1 to 3 herein to provide an alternative employment in “Ticket and Cash Counter” or any office related works, to the petitioner, with continuity of service with a pay protection as per Section 47 of the Persons with Disabilities (Equal Opportunities), Protection Right and Full Participation Act, 1995, by considering the petitioner's representations, dated 29.11.2023 and 30.11.2023 within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.Kishore

For RR 1 to 3 : Mr.K.Ramaiah

Standing Counsel



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WP(MD) No.9488 of 2024

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 3 herein to provide an alternative employment in “Ticket and Cash Counter” or any office related works, to the petitioner, with continuity of service with a pay protection as per Section 47 of the Persons with Disabilities (Equal Opportunities), Protection Right and Full Participation Act, 1995, by considering the petitioner's representations, dated 29.11.2023 and 30.11.2023

2. Heard Mr.C.Kishore, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel for the respondents 1 to 3.

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



WP(MD) No.9488 of 2024

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4. The learned counsel for the petitioner submitted that the petitioner, who have already got employed as a Conductor, despite his 50% disability, had suffered an ankle injury due to the fall happened in the year 2020. Thereafter, at his request and on the recommendations made by the Medical Board, the petitioner has been given an alternative employment in the ticket cash counter. However, the petitioner submitted that from the month of November, 2023, the third respondent has refused to give him any alternative work and reverted him back to do his regular work as a Conductor. The petitioner is not able to perform his work as a Conductor due to the disability suffered by him and hence, filed this writ petition seeking to give an alternative employment in the ticket and cash counter, by considering the representations, dated 29.11.2023 and 30.11.2023.



WP(MD) No.9488 of 2024

WEB COPY

5. The learned Standing Counsel for the respondents submitted that despite the respondents have offered to continue the alternate employment, the petitioner did not come forward and accept the same. In such a case, the respondents could have initiated disciplinary action against the petitioner.

6. The petitioner has given representations, dated 29.11.2023 and 30.11.2023 and the respondents have not passed any written orders so far. The respondents are under an obligation to pass an order, if the respondents deem it fit that the petitioner can be continued to be engaged in the ticket and cash counter.

7. In view of the same, the respondents are directed to consider favourably and pass orders on the representations dated 29.11.2023 and 30.11.2023 of the petitioner, within a period of one week from the date of receipt of a copy of this order.



WP(MD) No.9488 of 2024

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8. With the above direction, this Writ Petition is
disposed of. No costs.

17.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Division),
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Thiruvattar Depot,
Thiruvattar,
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- 4.The Chairman,
Regional Medical Board,
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Chennai – 600 003.



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WP(MD) No.9488 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9488 of 2024

Dated:
17.04.2024