



W.P.(MD)No.11603 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11603 of 2024

G.Annamalai

... Petitioner

Vs.

1. The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.
3. The Branch Manager,
Kumbakonam Town - 2 Branch,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
4. The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to treat the period of



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disengagement of the petitioner without providing the alternative employment i.e from 19.02.2022 to 04.04.2024 as duty for all purposes including for annual increments, pay fixation, review benefits, PF, and pension and consequently directing the respondents to pay all the attendant service benefits including salary for the aforesaid period as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016 within a time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For R-1 & R-2 : Mr.K.Jagadees Balan

For R-3 : No Appearance

For R-4 : Mr.S.C.Herold Singh

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.K.Jegadees Balan, learned counsel appearing for respondent Nos.1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the fourth respondent.

2. The petitioner has filed this Writ Petition seeking direction to the respondents to treat the period of the petitioner's disengagement from 19.02.2022 to 04.04.2024 as duty for all purposes and consequently direct the respondents to grant him annual increments, pay fixation, review benefits, Provident Fund, pension and all the attendant service benefits including salary



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for the aforesaid period as per Section 20(4) of the Rights of the Persons with Disabilities Act, 2016.

3. The petitioner had joined as Driver in the first respondent Corporation on permanent basis in the year 2007. On 19.02.2022, the petitioner met with an accident and he suffered crash injury in his right thumb finger and he went surgery on 19.02.2022. The petitioner made several representations to the respondents to provide alternative duty to him under the respondent Corporation and also to grant him annual increments, pay fixation, review benefits, Provident Fund, pension and all other attendant service benefits including salary. But the same has not been considered by the respondents, hence, the present Writ Petition has been filed.

4. It is seen from the records that the petitioner has been given with an alternative employment until which the petitioner was out of duty. So it is in the discretion of the respondents to pass orders on the representation made by the petitioner on merits.

5. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the respondents to consider the petitioner's representation



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dated 18.04.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits. No costs.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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R.N.MANJULA, J.

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